

Testimony of

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Senate Judiciary Committee

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My name is Cleta Mitchell. I am an attorney, specializing in the area of political law - the business and regulation of politics, lobbying, public policy and elections.

I have been involved in law and politics for more than thirty years. It is a privilege for me to appear here today to discuss with the Committee the integrity of America's elections and voting process.

The goal of every organization, campaign and entity with which I am involved is assuring that our voting systems are secure, that only legally eligible voters cast ballots and that every legally cast ballot is counted to the highest degree of certainty and accuracy. From the Republican National Lawyers Association to the American Conservative Union to the informal groups of lawyers who practice political law as I do for Republican candidates and conservative organizations...we all are dedicated to that principle.

Yet, there are well-organized forces furiously at work even as we speak, seeking to block this principle from ever being effectuated.

These are the people and the groups who contend that there is no voter fraud and no people who try to illegally influence the election process - and that any of us who believe otherwise are and must be racists.

Why do some people and organizations so resent and so forcefully object to efforts to assure the integrity of our voting procedures?

It absolutely mystifies me that there has emerged over the past several decades an entire industry - well financed and well organized, supported by the mainstream media and the liberal elites in this country - which is determined to stymie any effort to assure that our voting systems are secure, that only legally eligible voters cast ballots and that every legally cast ballot is counted to the highest degree of certainty and accuracy.

Let us simply review the goals and objectives of the activist voting "rights" left over the past fifteen years.

In 1993, President Clinton signed the National Voter Registration Act, NVRA, more commonly known as the Motor Voter act. This legislation, in which the federal government for the first time in the nation's history imposed a national voter registration process for every state. The proponents believed that since poor people who somehow were obstructed in becoming registered voters nonetheless managed to obtain drivers' licenses and public assistance from the government and that such government applications should also serve as voter registration applications thereby assuring that these otherwise poor and disenfranchised individuals would suddenly become active voters.

According to Dr. John Samples, Director, Center for Representative Government of the Cato Institute in testimony to the Senate Committee on Rules and Administration entitled "The Motor Voter Act and Voter Fraud" on March 14, 2001, the results of the Motor Voter Act have produced more opportunity for fraudulent activities surrounding voter registration and voting, but without a commensurate increase in voter turnout or participation. And, pertinent to our discussion here today, Motor Voter has made it more difficult for jurisdictions to maintain clean and accurate voter rolls.

Dr. Samples testified:

"The Motor Voter Act made it harder to verify the identity of voters seeking to register. It also considerably complicated the states' task of keeping the registration rolls clean. For example, to remove a voter who has moved from the rolls of a voting district, the local jurisdiction has two choices. First, they could get written confirmation of the move from the citizen. Lacking that, the jurisdiction had to send a notice to the voter. If the notice card was not returned and the person did not vote in two general elections for Federal office after the notice was sent, then the jurisdiction could remove their name from the rolls.

The cost of these mailings is significant. In Indiana, for example, such a mailing would have a price tag of about \$2 million or about twice the Election Division's entire annual budget. Given this price tag and the limited resources of most local election boards, we should not be surprised that the registration rolls throughout the nation are enormously inaccurate. In some counties, election administrators report, the voting roll numbers are bigger than the voting-age population.

In the short time since Election 2000, we have seen startling new evidence of the disorder of registration rolls in several states. In Indiana, for example, the Indianapolis Star looked closely at the rolls. They concluded that tens of thousands of people appear on the voter rolls more than once, that more than 300 dead people were registered, and that three convicted killers and two convicted child molesters were on the rolls. In general, experts believe one in five names on the rolls in Indiana do not belong there. A recent study in Georgia found more than 15,000 dead people on active voting rolls statewide. Alaska, according to Federal Election Commission, had 502,968 names on its voter rolls in 1998. The census estimates only 437,000 people of voting age were living in the state that year. Similar studies in other states would no doubt return similar data.

So let me now get this straight: the activists who brought us Motor Voter - which allows people to become registered voters by way of getting a drivers license or applying for public assistance (where they are given a government - issued document authorizing their receipt of public assistance) are now saying that it is burdensome to have to present such government issued documents when appearing to vote.

So are the activists saying that Motor Voter has failed? How did these voters who have no identification get registered to vote in the first place?

The voter rights activists defy common sense and logic. A poor person presumably qualifies for and receives government assistance - which requires government issued documents for receipt of that assistance.

Do these elderly persons receive social security and medicare payments? Presumably so. The documents required to receive public assistance suffice under Indiana law as voter identification for voting purposes.

What, pray tell, is wrong with that?

The burden is not just minimal, it virtually non-existent!

But notwithstanding the facts and the common sense and logic that is always absent from these discussions, we are here today to bemoan the burden of producing proof of identity in order to cast a ballot.

I can't enter most office buildings in Washington DC without producing my photo identification.

I can't get on a train or a plane without producing my photo identification.

I can't get a key to my hotel room without producing my photo identification.

I can't claim my luggage from the bellman without producing my photo identification.

I can't use a credit card in many stores or cities without producing my photo identification.

I can't rent a pullcart for my golf clubs at Hains Point public golf course in the District of Columbia without surrendering my drivers license until I return the pull-cart to the starter.

And I can't get into the United States Capitol for a meeting without producing my photo identification. So here's a question for you, Senators: are you saying that it is an egregious denial of citizens rights to require photo identification for voting while denying the opportunity for these same aggrieved individuals to gain entrance to their United States Capitol without a photo ID?

Of course, the arguments against photo identification for voting are not based on common sense, common practice or logic. Some of us believe that voting is a sacred duty and trust and that the act of voting should be accompanied by at least as much care and responsibility as renting a pullcart at the golf course.

Instead, the voting rights activists, simply assert there is not any vote fraud and therefore no need for safeguards. Well, that was simple. No vote fraud - so the only possible reason anyone could support these measures like photo identification to show you really are the person who is lawfully registered to vote is that well, you must be a racist. Has to be that because of course, there is NO vote fraud.

Today we are asked to slice and dice the different 'types' of voter fraud. We are here today to discuss whether there exists "in person voter fraud". What is that about - and what does that mean? If a person, any person, takes any steps whatsoever to vote illegally that IS 'in-person' vote fraud - whenever and wherever it occurs.

And it is a moving target: no in-person vote fraud so need for photo id's.

Well, then perhaps we need to make certain that people produce photo id and proof of residence when registering to vote. Oh, no - that would be too burdensome. We've already cooked that goose by allowing the drivers license application or the application for public assistance to double as a voter registration application.

So presumable the applicant who is now a driver or a recipient of public assistance has a government issued document to use as proof of identity for voting.

It is circular...and illogical. And we are always back at the basic dispute: that there is no voter fraud so we don't need safeguards against something that doesn't exist.

Frankly, I am tired of the Professional Vote Fraud Deniers Industry. Because that is what it is. A massive, well-funded industry of people and groups who deny the existence of vote fraud in order to make certain that there are no watchdogs, no safeguards and no protections in place to keep vote fraud from happening.

No vote fraud? Really? Then how about these facts...

Headline: The Seattle Times, October 30, 2007 "Three plead guilty in fake voter scheme". The story reads "Three of seven defendants in the biggest voter-registration fraud scheme in Washington history have pleaded guilty and one has been sentenced, prosecutors said Monday. The defendants were all temporary employees of ACORN, the Association of Community Organizations for Reform Now, when they allegedly filled out and submitted more than 1,800 fictitious voter-registration cards during a 2006 registration drive in King and Pierce counties."

From the Monroe Free Press, Monroe Louisiana, November 5, 2007 "Were Votes Bought with Toilet Tissue, Vanilla Wafers?" The story: "The Louisiana Ethics Commission will be investigating allegations of vote buying stemming from the state-wide elections held last year. An incumbent state senator learned that a non-profit group was instructing families to whom it was distributing food to vote for his opponent or "the food would stop." The Monroe Free Press prides itself on being the "voice of the Monroe Area African-American community"

November 15, 2007 -from The Politico "Twenty percent of students polled by their peers at New York University said they'd exchange their vote in the next presidential election for an iPod touch. Sixty-six percent would exchange it for free tuition. And fifty percent said they'd lose the right forever for \$1 million. Ninety percent of the students who said they'd give up their vote for the money also said they consider voting "very important" or "somewhat important"; only 10 percent said it was "not important." Also, 70.5 percent said they believe that one vote can make a difference -- including 70 percent of the students who said they'd give up their vote for free tuition.

2004 - In the State of Washington, in a race for governor in which the difference between the two candidates statewide was less than 2000 votes, following facts appeared in the Plaintiffs trial brief:

2001 -- The state of Missouri established a bi-partisan commission to review the events of November 7, 2000 in which 1,233 persons who were not legally qualified to vote in the State of Missouri nonetheless cast ballots upon obtaining court orders, falsely claiming to be eligible. The evidence demonstrated that a concerted effort was planned in advance of election day to not only illegally extend the hours for voting beyond the statutory period but also to obtain court orders authorizing votes to be cast by persons not legally eligible to vote. Clearly, this was a plan to violate the integrity of the voting system in the state of Missouri - which succeeded. Key findings include votes cast by:

- * convicted felons
- * people who voted at least twice, possibly more than twice
- * deceased persons
- * persons registered at vacant lots
- * multiple names registered at the same address - which addresses are not multiple family dwellings, nursing homes, dorms, hospitals or group homes
- * The primary lawsuit brought by the Democrats in Missouri to keep the polls open beyond the statutory poll closing time had a lead plaintiff who was deceased. When the fact was brought to the attention of the attorney, he responded that it was another person by the same name who had not been allowed to vote - a review of the records revealed that that individual had voted earlier in the day without difficulty.

I can go on and on. The facts are the facts despite the yeoman and unceasing efforts of those in the Professional Vote Fraud Deniers Industry to deny the existence, the patterns, the practices of dishonorable persons and organizations to engage in vote fraud. It reminds me of the former Soviet Union's official position that it was never at war in Afghanistan in the 1980's...hoping no one would notice the dead soldiers who came home in increasing numbers in coffins or the returning soldiers who were just supposed to stick with the Soviet party line and deny that there was a war...or that they had been in it.

Here is a fact: there ARE people who steal or attempt to steal votes. There ARE people who willingly sell their votes. That is illegal.

Efforts to uphold and enforce the laws of every jurisdiction that prohibit illegal activities related to voting are NOT racist. It is time to join together to take every possible step to assure that our voting systems are secure, that only legally eligible voters cast ballots and that every legally cast ballot is counted to the highest degree of certainty and accuracy.

Thank you.