

Who's driving North Carolina's latest voter fraud hysteria?



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This week, officials at the North Carolina State Board of Elections announced they had discovered possible evidence of widespread voter fraud in the battleground state.

By cross-checking North Carolina voter rolls with those in 28 other states, leaders of the board [told state lawmakers](#) they had found 35,750 records of people who voted in North Carolina and whose first name, last name and date of birth matched people who had voted in other states. More surprisingly, it also revealed 765 North Carolina voters in 2012 whose last four Social Security digits also matched those of people who voted in other states that year.

The announcement [fueled news headlines and outrage](#) from North Carolina politicians, including legislators on an elections oversight committee who said the findings affirmed the need for voting restrictions passed by the General Assembly in 2013. House Speaker Thom Tillis and Senate Leader Phil Berger [issued a joint statement](#) hailing the "newly discovered, alarming evidence of voter error, fraud."

State Republican Party Chairman Claude Pope [said](#) the report showed fraud "represents a significant threat" to elections and applauded his party's efforts "to protect the integrity of the ballot box" -- although measures such as voter ID, which addresses voter impersonation, would have no effect on voting in multiple states.

What the North Carolina election officials didn't discuss is who had conducted the checks, and when or why the decision had been made to undertake them. They also didn't mention the results of similar checks done in other states, which have led to only a handful of cases even being considered for prosecution.

KOBACH'S CROSS-CHECK CRUSADE

The cross-check of North Carolina voters was conducted by the office of [Kris Kobach](#), the controversial Secretary of State in Kansas. A long-time Republican political operative, Kobach is known nationally as the architect of legislation cracking down on immigrants in Arizona and elsewhere, as well as severe voting restrictions.

Kobach launched the Interstate Voter Registration Crosscheck Program in 2005 as a free service to states -- almost exclusively those led by Republican lawmakers -- to flag voters who may be casting ballots in multiple states in the same election, which is a felony. In a traveling PowerPoint presentation Kobach's office uses to pitch the program (for example, [this recent presentation](#) [PPT] in Indiana), they say it's grown from four Midwestern states sharing 9 million voter records in 2005 to more than two dozen states sharing 110 million files today.

Here's how it works: A participating state sends its voter file to Kobach's office, which compares it -- free of charge -- against the records from the other states. In 2013, the program flagged a [staggering 5 million records](#) of people whose names and date of birth appeared to match.

But how many of those 5 million are actually lawbreaking voters trying to cast double ballots in multiple states? Kobach's office has produced little evidence to answer the question, in part because the data offers no proof such fraud is occurring.

As Isaiah Thompson of the nonprofit media outlet AxisPhilly [reported](#) when Pennsylvania joined the program, Kobach's record-matching appears to include people who move and register in a new state, but whose old records haven't been flushed out yet -- a process that can take several election cycles to be corrected.

As Thompson notes, even [the process used to match the names is imprecise](#):

[W]hile the program asks member states to submit 13 items of data for each voter, including the last four digits of his/her social security number and middle name, Kansas state department officials acknowledged in an email that all that's required for the crosscheck program to generate a "possible duplicate entry" is for the last name, first name, and date of birth to match.

As election experts and professors Michael McDonald and Justin Levitt noted in [a 2007 study](#), across the country there are surprisingly large numbers of voters with the same first and last names who share a date of birth.

In [81 pages of documents](#) [pdf] about the cross-check program obtained from the state of Pennsylvania by the American Civil Liberties Union, Kobach himself acknowledges that errors alone lead to greatly inflated numbers of possible double voters flagged in the checks:



Kansas Secretary of State Kris Kobach launched the Interstate Voter Crosscheck Program in 2005 as part of a campaign to battle voter fraud, but so far it's revealed scant evidence of fraud. (Photo from Youtube video by WichitaLiberty.)

Experience in the crosscheck program indicates that a significant number of apparent double votes are false positives and not double votes. Many are the result of errors voters sign the wrong line in the poll book, election clerks scan the wrong line with a barcode scanner, or there is confusion over the father/son voters (Sr. and Jr.).

WHERE'S THE FRAUD?

Kobach and the state officials who have embraced his cross-check program say it has been a "success" in rooting out fraud, but there's little evidence to support the claim. When asked in October 2013, Kobach's office [couldn't provide any evidence](#) of a single instance in which the Interstate Crosscheck's data had led to an actual legal charge of voter fraud.

In [another PowerPoint](#) [pdf] by Kobach's office boosting the Interstate Crosscheck, a slide highlights the program's alleged "Success in Kansas." But the data points only to 14 cases "referred for prosecution" out of millions of voter records analyzed, and doesn't confirm any where charges were actually raised, much less a voter convicted.

Across the country, the pattern is the same: A (usually Republican-led) state joins Kobach's program, runs a check and announces large numbers of potential voting irregularities. But when it comes to proving actual fraud, the claims are quickly undermined.

After using cross-check in Ohio, Republican Secretary of State John Husted announced, "This report demonstrates that voter fraud does exist." But out of "hundreds" of potential instances of double-voting, as of last October the state had [referred only 20 cases to law enforcement](#) -- and none had resulted in charges.

According to AxisPhilly, in early 2013 Colorado did Kobach's cross-check, and Secretary of State Scott Gessler announced it had identified 17 cases of alleged fraud, which were submitted to the Boulder County District Attorney's office. But in July 2013, the D.A. [dismissed all of the cases](#), saying none involved actual fraud and they were "politically motivated."

While the cross-check hasn't resulted in convictions of fraud, it has led states to aggressively purge their voting rolls. After Virginia authorized use of Crosscheck, it gave local election boards [57,000 names to scrub from files](#); at least one local official refused to do so, saying the data was "unreliable."

WHY THE PUSH IN NC?

Given the controversy surrounding the program, why did North Carolina end up using Kobach's Interstate Crosscheck? An email from Facing South to the N.C. State Board of Elections asking about why and when the program was adopted was not immediately returned.

But according to [pages from the 81-page internal document](#) [pdf] obtained by the ACLU in Pennsylvania, North Carolina had signed on to participate at least by early December 2013. In a series of conference calls organized by Kobach's office that month, an agenda for the calls shows North Carolina is listed as one of six "new states" that would be using Crosscheck in 2014.

According to a Dec. 4, 2013 email from Kobach's office about the conference calls, one of the first agenda items was reviewing "participating states," followed by the line: "Welcome Idaho, Indiana, Nevada, North Carolina, Pennsylvania and Washington!"

One of those promoting the findings of the North Carolina elections board's report this week was [Josh Lawson](#), who was hired in March 2014 as the board's public information officer. A Duke law graduate, Lawson's [bio](#) shows stints in the Bush White House in 2006-2007. Lawson was also a "Personal Aide to the CEO" at the [Ashcroft Group](#), a lobbying firm founded by former Attorney General John Ashcroft after Ashcroft left the Bush administration in 2005.

Ashcroft was one of the forefathers of the modern crusade against alleged voter fraud, launching a [Voting Integrity Initiative at DOJ in 2002](#) and pressuring attorney generals across the country to more aggressively investigate and prosecute fraud. Despite the resources and attention focused on voter fraud, [Ashcroft's efforts produced little evidence of criminal wrongdoing](#).

But when asked by the liberal blog ThinkProgress about North Carolina's cross-check report, even Lawson [seemed to back-pedal](#) from the sensationalist headlines it had generated: "We are not jumping to conclusions here. This may constitute evidence of voter fraud, voter error, poll worker error, or data problems."