



ABSENTEE VOTING

December 2022

"If there is any danger from which republican institutions have good cause to fear today, it is the danger...that government will fall to pieces through the corruption of the ballot, for that is the foundation of everything which we have developed" ~ Judge Claggett, 1889 Idaho Constitutional Convention

Executive Summary

Election Integrity Idaho and diverse elections experts agree: Absentee voting represents the greatest opportunity for fraud to occur in our elections.

Rasmussen polling shows that most voters believe voting by mail makes cheating easier because the chain of custody on absentee ballots cannot compete with that of in-person voting. Court cases and recent whistleblower testimony support these concerns.

Historically, absentee voting was done by less than 5% of the population. Today in Idaho, absentee voting is closer to 30% and has been growing. Given the vulnerability of voting by mail and its increasingly negative perception by the public, we recommend taking the following steps to secure our Idaho elections:

- 1) Eliminate 'no excuse absentee voting.' Traditional absentee voting would remain.
- 2) Prohibit entities from sending unsolicited applications that encourage absentee voting.
- 3) Incorporate anti-counterfeit measures on absentee ballots such as watermarks and/or serial numbers.

The Case for Absentee Voting

Absentee voting is promoted for the following reasons:

- Convenience.
- Increased Voter Turnout.
- Option for those who cannot vote in person.

Convenience: Convenience is a worthy goal. But is convenience worthwhile when it compromises the integrity of the vote? As cited later in our research, the vulnerabilities of absentee voting are serious and have led to compromised and even overturned elections. We don't believe convenience outweighs the integrity of our elections.

Increased Voter Turnout: Making voting more convenient should follow with higher participation. But studies on voter turnout show the convenience of absentee voting results in only a modest increase in turnout – around 2%.¹ (This turnout can be higher in non-Presidential races.) If people vote out of convenience as opposed to civic duty, are they taking the election seriously enough to be casting an informed vote? Perhaps not.

Option for those who cannot vote in person: The convenience argument does not hold for those who cannot vote in person (e.g., overseas military or people with legitimate physical disabilities); these people *would be* disenfranchised if they were unable to vote. In such cases, absentee voting can be justified and the vulnerability of voting absentee is weighed against the constitutional right to vote. We have found no credible studies or polls indicating that the public thinks vulnerability outweighs the constitutional right to vote. For this reason, we continue to support absentee voting for situations that otherwise would prevent someone from voting in-person.

The Case against Absentee Voting

The fundamental problem with absentee voting is that the chain of custody cannot compete with that of in-person voting. With in-person voting, election officials and citizen oversight can monitor each person's vote to exclude coercion and to ensure each person's identity. Once the voter drops the ballot into the bin or tabulator, the ballot's chain of custody can be verified by citizen watchdog groups and diverse poll workers. This chain cannot be verified with absentee ballots.

In the pages below, we delve into the vulnerabilities of absentee voting to show they are both real and have been exploited. While we have not discovered hard evidence of absentee voting fraud in Idaho, we also cannot confirm that it has not occurred in the past or will not occur in the future.

¹ <https://www.pnas.org/doi/pdf/10.1073/pnas.2007249117>

1) Largest Vendor of Election Systems: 'Absentee Ballots Easiest Way to Cheat'

In April of 2022, the Kootenai County Clerk hosted representatives from Election Systems and Software (ES&S) along with Chad Houck, the Deputy Secretary of State for Idaho. The public was invited to hear them speak and to ask questions. The following exchange occurred:



Citizen: If I wanted to cheat on an election, where...where would be the easiest place to cheat?

Brandon Clifton (ES&S VP of Government Affairs): Absentee ballots.

Chris Wlaschin (ES&S VP and Chief Information Security Officer): The absentee ballots...I think our conversations within the industry say that that is probably the biggest area for potential fraud.

The video clip ² shows the exchange and that there was no hesitation in their answers.

Who is ES&S and why is ES&S qualified to render these opinions? ES&S is the largest provider of voting systems in the United States and provides voting systems to more than 30 counties in Idaho. Their vast experience in multiple states arguably qualifies them to determine where cheating is most likely to occur.

² <https://rumble.com/v236f0q-election-integrity-absentee-voting.html>

2) Proven Court Cases of Mail-in Vote Fraud that Overturned Elections

Supporters of absentee voting claim that ‘voter fraud’ is miniscule and has no real impact on our elections. But digging into their studies reveals a distinction between ‘voter fraud’ and ‘election fraud.’ The Brennan Center (<https://www.brennancenter.org/>), for example, released a seminal study in 2007 showing voter fraud has less than a fraction of a percent impact on any given election.³ We agree. However, Brennan Center’s definition of ‘voter fraud’ primarily focuses on individuals trying to vote twice; it *does not include* organized efforts by individuals to influence elections. The four court cases below, cited by The Heritage Foundation, do NOT meet Brennan Center’s definition of ‘voter fraud’.

1. School Board Election, Fresno County, California—November 5, 1991

2. Mayoral Election, Miami, Florida—November 4, 1997

3. Democratic Mayoral Primary Election, East Chicago, Indiana—May 6, 2003

4. Congressional Election, Ninth District, North Carolina—November 6, 2018

Source: Heritage.org

³ <https://www.brennancenter.org/our-work/research-reports/truth-about-voter-fraud>

In each of these cases⁴, the amount of fraud changed the outcome of the election in question and the election was overturned in a court of law. Digging into each case reveals troubling testimony, such as:

1. Fresno County Case:

- Voters were ‘encouraged to vote in the presence’ of [ballot harvesters] who then took the completed ballot to election officials.
- Three [ballot harvesters] came to a voter’s door late at night, told him whom to vote for, and told him not seal his ballot. They returned later to have his spouse forge his signature because he had not signed his ballot.

2. Miami Case:

- The Grand Jury indicated that ‘boleteros’ fill out or intimidate or pressure voters to vote for the candidates who are paying the boleteros to collect the ballots.
- A man admitted that he had participated in ‘two or three’ such vote-buying schemes in the past.
- Campaign workers registered people to vote at addresses where they didn’t live.

3. Indiana Case:

- One candidate’s supporters provided compensation to induce voters to cast their ballots via the absentee process.
- One candidate’s supporters filled out multiple ballots and the applicants simply affixed their signatures.
- The judge remarked that the most vulnerable voters were targeted: ‘the naïve, the neophytes, the infirm and the needy’ and subjected to ‘unscrupulous election tactics’. In a related case, a judge commented on the reluctance of voters to candidly discuss the circumstances surrounding their absentee vote and expose themselves to criminal liability’.

4. North Carolina Case:

- The political operative who was charged paid people to collect absentee ballots and to falsify absentee ballot affidavits.
- The political operative maintained photocopies of completed absentee ballots, including voter signatures, which enabled the forging of signatures in future elections.
- The operation was sophisticated enough to deposit fake ballots near the real voter’s addresses; it also distributed the ballots in small amounts over time and place to avoid detection.

⁴ <https://www.heritage.org/election-integrity/report/four-stolen-elections-the-vulnerabilities-absentee-and-mail-ballots>

3) Ballot Tampering and Interception

In August of 2020, a New York Post story showcased the testimony of a man who claims to have been involved in election fraud in multiple elections and in multiple states.⁵ Each instance involved the use of absentee ballots to commit the fraud.



NEWS EXCLUSIVE

Confessions of a voter fraud: I was a master at fixing mail-in ballots

By Jon Levine

August 29, 2020 | 5:24pm | Updated



The primary mechanism used to detect a fake absentee ballot is signature matching. However, the article describes a process in which the signature is real but the ballot is fake. Could this type of fraud be taking place in Idaho? Would we be able to detect it?

⁵ <https://nypost.com/2020/08/29/political-insider-explains-voter-fraud-with-mail-in-ballots/>

Key takeaways from the article:

- One person can change 5000 ballots in one month. In Idaho, that would be enough to change many close elections.
- The operative claimed that USPS employees sometimes were part of the operation.
- The operative said nursing facilities were a 'gold mine of votes'.

4) Ballot Harvesting

Florida law enforcement has been actively investigating election fraud for many years.⁶ Recently, two whistleblowers testified about what they experienced firsthand and what they historically have known about their Florida communities. These women, both Democrats, come from two different parts of the state but had very similar testimonies.

The full video link is referenced below.⁷ The discussion with the two women starts at about the 4-hr: 14-min mark and runs nearly an hour.



⁶ <http://www.ejfi.org/Voting/Voting-9.htm>

⁷ <https://accfei.org/events/florida-02/>

Key takeaways:

- Chantelle Rhodes, a Democrat who ran for City Council in Ft Myers, has accused her opponent of intimidating and assisting voters to fill out absentee ballots.
- Cynthia Harris, a Democrat who ran for Commissioner in Orange County District 6, has video evidence of a ballot broker coming to her house along with two videos from others who captured these brokers pressuring people to hand over their ballots. Her complaint is currently being investigated by the State of Florida.
- Both claim that this practice has been going on for years with ballot brokers targeting the elderly, minority communities, and low income people.

Cynthia conveyed her motive for coming forward: *“For me, this is precious because my ancestors fought hard for our right to vote...I take it personal because of who had to walk in my shoes before me to get to this point.”*

5) Undelivered Ballots or Problematic Ballots – Voter Disenfranchisement

When you vote in person, your ballot often can be cured on the spot if it has an error or otherwise cannot be tabulated. Voters can request another ballot if they make a mistake.

With absentee voting, ballot curing isn’t always possible. According to U.S. Election Assistance Commission (EAC) reports, several hundred thousand ballots in each election are out of compliance with state rules and regulations and therefore are not counted.⁸ The ballot may have failed a signature match check or was not properly signed or dated.

Additional problems may be completely out of the voter’s hands, such as when the ballot they return is not delivered. For example, in Wisconsin in 2020, three large tubs of undelivered ballots were discovered in a mail processing center.⁹

28.3M Mail Ballots Went Missing from 2012 - 2018 Elections

Even in times of relative tranquility and health, the U.S. mail voting system generates millions of errors and even more questions about what actually happens after an official puts a ballot in the postal system. Expansion and automation will effectively guarantee even greater figures depicting failure and confusion during one of the most historic challenges facing the nation. Elections in 2012, 2014, 2016, and 2018 saw more than 28.3 million “unaccounted for” mail ballots.

⁸ <https://publicinterestlegal.org/press/report-28-million-mail-ballots-went-missing-in-past-decade/>

⁹ <https://www.jsonline.com/story/news/politics/elections/2020/04/08/wisconsin-election-3-tubs-ballots-found-mail-processing-center/2971078001/>

6) Does Absentee Voting Violate the Idaho Constitution?

We end with this item, more for thoughtful consideration than for adding to our case. Article VI Section 1 of the Idaho Constitution States:

All elections by the people must be by ballot. An absolutely secret ballot is hereby guaranteed, and it shall be the duty of the legislature to enact such laws as shall carry this section into effect.

But does absentee voting guarantee a secret ballot? Given the chain of custody issues and the various arguments put forth above, is your ballot guaranteed to be secret? How do we know that ballot harvesters and ballot traffickers aren't changing the ballots they handle or coercing the people from whom they obtained those ballots to vote a certain way? A ballot is truly protected only when:

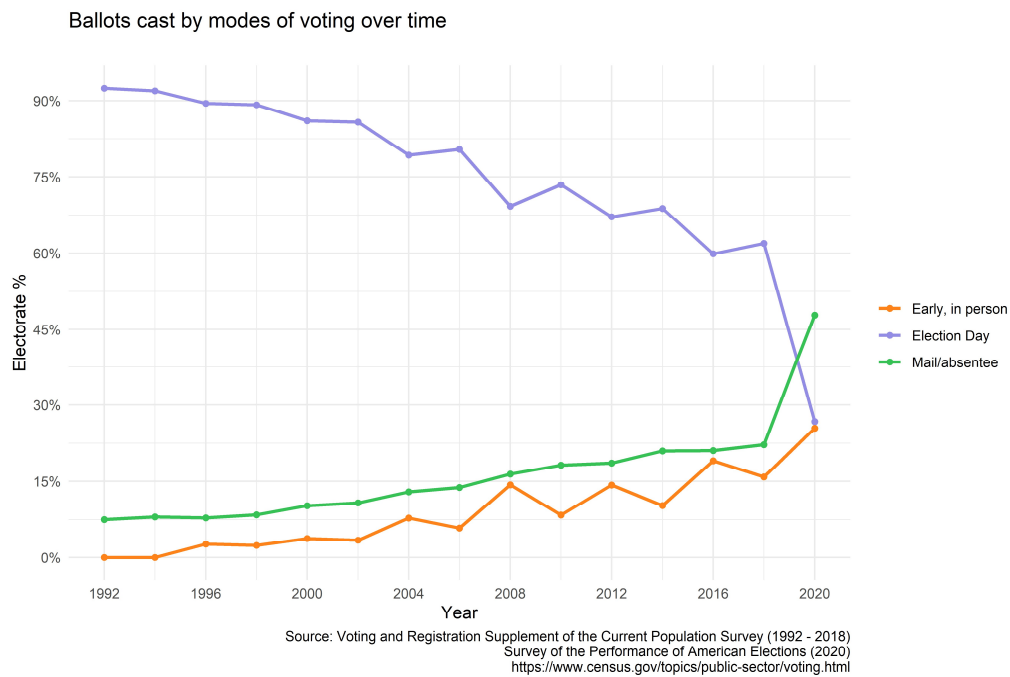
- a) It is deposited in-person by the individual who cast it and;
- b) Voting takes place in-person under the supervision of election officials and citizen watchdogs.

The Remedies

The following three steps can reduce the vulnerabilities injected into our election systems by absentee voting.

1 – Eliminate ‘no excuse absentee voting.’

The graph below shows the growing trend of absentee/mail-in voting nationally. Before 1980, less than 5% of the voting public cast ballots before election day¹⁰, typically through mail-in absentee voting.

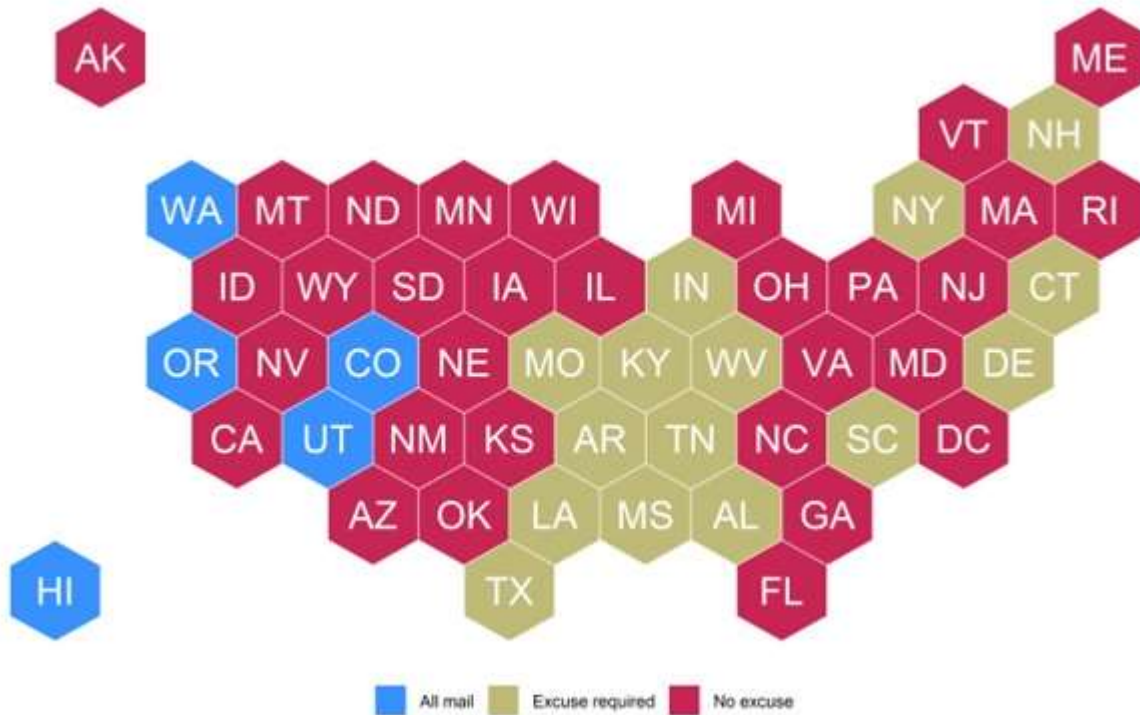


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<https://deliverypdf.ssrn.com/delivery.php?ID=993117004090102017097014097096090099034055034085049024074119031067072112099002000070126021101010021033124126080108100124113116105049038021028066110079096097007084070002054038087012022068069085086099122111007089026028105020011089093069123016084120105066&EXT=pdf&INDEX=TRUE> – p15-16

The law of the land at that time was to require an excuse for a person to vote absentee; however, since then, many states have implemented ‘no excuse’ absentee voting and some have moved to all ‘mail in’ voting. The following graphic shows the current status of absentee and mail-in ballots in the U.S.

Figure 2: Absentee/Mail ballot regimes in the U.S.



Source: National Conference of State Legislatures
 VOPP: Table 1: States with No-Excuse Absentee Voting

Returning absentee voting to its original purpose and requiring an excuse to vote absentee (such as being deployed military or unable to physically appear in-person) will incent in-person voting and lower the percentage of absentee voters.

2 – Encourage in-person voting and prohibit absentee application mailers.

We must overcome the narrative about ‘voting convenience.’ As Cynthia Harris commented above, the struggle of so many to secure the right to vote in this country is a powerful statement about the importance of voting. Voting rights should not be taken lightly, and the security of our elections must be paramount to convenience. At the very least, government entities should encourage in-person voting and statutes should plainly state that in-person voting is the preferred method.

Directly related to encouraging in-person voting is prohibiting the encouragement of absentee voting. Currently, government entities, political parties, candidates, and third-party 'get out the vote' organizations all can send pre-filled absentee applications that encourage people to vote absentee. Given the vulnerabilities in the absentee voting process, this practice enables election fraud and must be prohibited.

3 – Implement anti-counterfeit measures on absentee ballots.

In argument #3 above against absentee voting, the New York Post story indicated that fraud was enabled simply by running ballots through a copier. Some simple techniques can make stealing elections cheaply more difficult for unsophisticated operations. These include:

Watermarks: Watermarks help identify valid documents because they can be seen with the naked eye but can be difficult for standard copiers to replicate.

Serial Numbers: Unique serial numbers (like those on our currency) can prevent duplicate ballots from being tabulated, provided the election system is set to read and validate the serial number. In addition, election officials can identify the range of serial numbers printed for a given election and verify that all voted ballots fall within that range.

Model Language

The model language below from The Heritage Foundation lays out a simple bill that can accomplish the key pieces of our recommendations.¹¹ Serial numbers exist now in several Idaho counties and do not require any special legislation to implement; however, this legislation could be added with a sentence or two. Some counties also use watermarks. Creating a more secure ballot would add approximately 25 cents per ballot. Restricting these measures to absentee ballots would minimize the extra cost.

I. Title

This Title shall cover provisions for absentee ballots in all elections occurring in [state].

II. Eligibility to Vote Absentee

- A. In-person voting is the preferred method of voting within [state] and shall be utilized except as outlined in paragraph (2) of this section.
- B. Any qualified elector of this state may apply for and vote an absentee ballot if he or she makes application in writing not less than ten (10) days before Election Day [or in accordance with the U.S. Postal Service delivery standards for the state] and meets one or more of the following requirements:
 - 1. The voter expects to be out of the jurisdiction on Election Day and on all Early Voting Days, or
 - 2. The voter has a disability preventing his or her attendance at the polls.

III. Procedure for Requesting Absentee Ballot

A. Absentee Ballot Request Form

- 1. A blank application to request an absentee ballot shall be sent to any qualified elector upon request and/or made available online, but no government official or entity shall send absentee ballot applications directly to any elector except upon the direct request of such elector, and no such application shall be prefilled with the elector's required information.

¹¹ [Election Integrity Scorecard: Model Legislation | The Heritage Foundation](#) (Absentee Voting Section)

Summary

In the late 1800s, our election systems were in crisis. The idea of a 'secret ballot' was not common. Because political parties or other organizations could coerce or otherwise incent individuals to vote a certain way, election results were distorted.

Confidence was restored by addressing the 'vote buying' matter. Ballot secrecy was implemented constitutionally in most States by 1890 ("SECRET BALLOT GUARANTEED" is the first section in Article VI of Idaho's Constitution). The practice of 'vote buying' was greatly curtailed and confidence was restored.

We must similarly address the crises of confidence in our elections today. As we showed in this paper, the most vulnerable piece of our elections lies with absentee voting. Three simple steps would greatly reduce the vulnerabilities of absentee voting and greatly restore the confidence in our elections.

Again, these steps are:

- 1) Eliminate 'no excuse absentee voting.' Traditional absentee voting would remain.
- 2) Prohibit entities from sending unsolicited applications that encourage absentee voting.
- 3) Incorporate anti-counterfeit measures on absentee ballots such as watermarks and/or serial numbers.