

October 19, 2010

Chicken Little in the Voting Booth

The Non-Existent Problem of Non-Citizen “Voter Fraud”

Election experts tend to agree that modern-day voter fraud is a very rare occurrence in the United States, primarily because it is so irrational. The potential payoff (a vote) is not worth the risk of jail time, thousands of dollars in fines, and—in the case of non-citizens—possibly deportation. The Brennan Center for Justice at New York University School of Law succinctly summarizes this point in a [2006 fact sheet](#): “Each act of voter fraud risks five years in prison and a \$10,000 fine—but yields at most one incremental vote. The single vote is simply not worth the price. **Because voter fraud is essentially irrational, it is not surprising that no credible evidence suggests a voter fraud epidemic.**”¹ As an [October 18, 2010, story](#) in the *National Journal* points out, “a five-year investigation by the Bush Justice Department...turned up virtually no evidence of widespread voter fraud.”² Nevertheless, anti-immigrant activists are fond of pretending that fraudulent voting by non-citizens is a national epidemic.³

Fighting Phantoms: No Evidence of Widespread or Systematic Vote Fraud by Non-Citizens

- According to a [2007 report](#) by Project Vote, “government records show that only 24 people were convicted of or pleaded guilty to illegal voting between 2002 and 2005, an average of eight people a year. This includes 19 people who were ineligible to vote, five because they were still under state supervision for felony convictions, and 14 who were not U.S. citizens; and five people who voted twice in the same election, once in Kansas and again in Missouri.”⁴ As a [2007 report](#) from the Brennan Center notes, **one is more likely to be struck by lightning than to come across an actual case of voter fraud.**⁵
- Similarly, a [2005 report](#) by the Coalition on Homelessness and Housing in Ohio and the League of Women Voters of Ohio found that a grand total of four votes cast in the state’s 2002 and 2004 general elections were in some way “fraudulent,” amounting to .00000044% of all votes cast.⁶
- The *New York Times* reported in [April 2007](#) that, “five years after the Bush administration began a crackdown on voter fraud, the Justice Department has turned up virtually no evidence of any organized effort to skew federal elections, according to court records and interviews.”⁷

Sore Losers, Mistakes, and Mischief Behind Voter Fraud Charges

- The [Project Vote report](#) found that “most voter fraud allegations turn out to be something other than fraud. A review of news stories over a recent two year period found that reports of voter fraud were most often limited to local races and individual acts and fell into three categories: unsubstantiated or false claims by the loser of a close race, mischief, and administrative or voter error.”⁸ The report concludes that “when we probe most allegations of voter fraud we find errors, incompetence and partisanship.”⁹
- Many accusations of voter fraud by non-citizens stem from database errors. The [Brennan Center report](#) notes that “government citizenship records—as the government itself acknowledges—are...replete with errors or incomplete information. Naturalization documentation may find its way into the government files slowly, or not at all, leaving outdated or inaccurate information for investigators looking for fraud. And this, in turn, leads to flawed accusations that noncitizens have been voting, when the voters in question have in fact become fully naturalized American citizens.”¹⁰
- The [Brennan Center report](#) concludes that “allegations of widespread voter fraud...often prove greatly exaggerated. It is easy to grab headlines with a lurid claim (“Tens of thousands may be voting illegally!”); the follow-up—when any exists—is not usually deemed newsworthy. Yet on closer examination, many of the claims of voter fraud amount to a great deal of smoke without much fire. The allegations simply do not pan out.”¹¹

Allegations Put Minorities, Immigrants, and the Poor in the Cross-Hairs

- According to the [Brennan Center report](#), “claims of voter fraud are frequently used to justify policies that do not solve the alleged wrongs, but that could well disenfranchise legitimate voters. Overly restrictive identification requirements for voters at the polls—which address a sort of voter fraud more rare than death by lightning—is only the most prominent example.”¹²

Endnotes

¹ Brennan Center for Justice, New York University School of Law, *The Truth About “Voter Fraud”* (New York, NY: September 2006), p. 1.

² Eliza Newlin Carney, “The Risk of Voter Suppression: Are election fraud watchdogs crossing the line?” *National Journal*, October 18, 2010.

³ See, for instance, Hans A. von Spakovsky, *The Threat of Non-Citizen Voting*, Legal Memorandum No. 28 (Washington, DC: The Heritage Foundation, July 10, 2008).

⁴ Lorraine C. Minnite, *The Politics of Voter Fraud* (Washington, DC: Project Vote, March 2007), p. 8.

⁵ Justin Levitt, *The Truth About Voter Fraud* (New York, NY: Brennan Center for Justice, New York University School of Law, November 2007), p. 4.

⁶ The Coalition on Homelessness and Housing in Ohio and the League of Women Voters of Ohio, *Let the People Vote: A Joint Report on Election Reform Activities in Ohio* (Columbus, OH: June 14, 2005), p. 1.

⁷ Eric Lipton and Ian Urbina, “In 5-Year Effort, Scant Evidence of Voter Fraud,” *New York Times*, April 12, 2007.

⁸ Lorraine C. Minnite, *The Politics of Voter Fraud* (Washington, DC: Project Vote, March 2007), p. 3.

⁹ *Ibid.*, p. 5.

¹⁰ Justin Levitt, *The Truth About Voter Fraud* (New York, NY: Brennan Center for Justice, New York University School of Law, November 2007), p. 18.

¹¹ *Ibid.*, p. 3.

¹² *Ibid.*