

## Voter Fraud and the 2012 Election The Advancement Project

By Kevin Mooney

*Summary: The George Soros-funded Advancement Project, a radical left-wing group, is colluding with several other progressive groups to block investigations of voter fraud. The mantra of the group, which is becoming a thorn in the side of the Republican Party, is that voter fraud is a myth made up by conservatives in order to disenfranchise the poor and minorities. But voter fraud is a serious problem that needs to be taken seriously.*

How serious a problem is voter fraud in America? Ask the left-leaning attorneys associated with the Brennan Center for Justice at the New York University School of Law and they will tell you that the problem is overstated, even non-existent. A March 29 *Washington Post* op-ed by Brennan Center executive director Michael Waldman and attorney Justin Levitt goes so far as to equate voter fraud in U.S. elections with imaginary sightings of Bigfoot, a.k.a. Sasquatch, the mythical man-like hairy monster said to inhabit the forests of North America.

“Allegations of voter fraud—someone sneaking into the polls to cast an illicit vote—have been pushed in recent years by partisans seeking to justify proof-of-citizenship and other restrictive ID requirements as a condition of voting,” they wrote. “Scare stories abound on the Internet and on editorial pages, and they quickly become accepted wisdom. But the notion of widespread voter fraud ... is



itself a fraud. Firing a prosecutor for failing to find wide voter fraud is like firing a park ranger for failing to find Sasquatch.”

Throughout the United States left-wing activist groups are making a concerted effort to block the investigation of voter fraud. But at the same time these same groups aggressively promote voter registration programs designed to increase the vote count for Democratic Party candidates. Voter registration activists and their lawyers pose as defenders of democracy. But they would have the states allow voting with almost no standards or procedures for guaranteeing the

identity and residency of those who vote and register to vote.

### Protect Your Vote U.S.

Former U.S. Attorney General Edwin Meese III (a board member of Capital Research

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Center) and former Ohio Secretary of State Ken Blackwell recently initiated a new campaign to support measures like photo identification requirements to protect the integrity of voting. Their campaign, a project of the American Civil Rights Union, is named Protect Your Vote U.S. [<http://protectyourvote.us/>]. The practical argument for the campaign is clear:

“Over the last few years, we have seen a jump in the number of closely-decided elections—some so close that a fairly small number of illegally cast votes have denied victory to the true winner.”

Protect Your Vote U.S. will serve as an advocacy group urging states to pass model legislation to prevent vote fraud. In addition it will be an online resource of information on laws that already exist to protect the integrity of the ballot. And the group will identify pending legislation and current legal battles and offer suggestions for citizen involvement in stopping vote fraud.

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## **Project Veritas**

As Meese and Blackwell create institutional support for legislative and legal fights against vote fraud, investigative reporter James O’Keefe is supplying the publicity to highlight the problem. O’Keefe, who helped orchestrate the 2009 video sting against ACORN malfeasance, has established a nonprofit called Project Veritas. It has videotaped a new sting operation that exposes the complacency of poll workers towards potential voter fraud.

In his latest sting—available on the BigGovernment.com website—O’Keefe’s undercover investigator entered a Washington D.C. polling place during the city’s April 3 primary election. The polling place is in the precinct where Attorney General Eric Holder is registered to vote. The investigator gave Eric Holder’s name and address, and a poll worker offered him a ballot.

O’Keefe’s investigator then suggested that perhaps he should show the poll worker his identification. But the poll worker replied, “You don’t need it. It’s all right. As long as you’re in here, you’re on our list, and that’s who you say you are, you’re okay.”

The investigator was careful. He did not actually claim to be Holder and he did not enter a polling booth and vote. Both actions are against the law. Instead, he said, “I would feel more comfortable if I just had my ID. Is it alright if I go get it?” The poll worker agrees and the investigator leaves. (The video can be watched at <http://www.breitbart.com/Big-Government/2012/04/08/DC-Polling-Place-Holder-Ballot>.)

## **On Eric Holder’s Doorstep**

How did we get to this point? The answer is that groups on the Left — beginning with ACORN and the Service Employees International Union (SEIU) and now

including a host of organizations devoted almost exclusively to election law— have worked for years to undermine America’s electoral process.

In the early 1990s, Barack Obama actually ran ACORN’s Project Vote division in Illinois. And now we have reason to believe, thanks to a Freedom of Information Act inquiry initiated by Judicial Watch, that Project Vote continues to coordinate voter registration strategies with the subordinates of Obama. Estelle H. Rogers, director of advocacy at ACORN-affiliated Project Vote, held high-level meetings with Obama White House and Department of Justice officials.

Project Vote is part of what J. Christian Adams, a former attorney in the U.S. Justice Department’s Voting Rights Section, aptly describes as an “industry of vote fraud deniers.” The Advancement Project, NYU’s Brennan Center, the NAACP, the ACLU and the Lawyers’ Committee for Civil Rights Under Law are other key components of this network. (See “The Left’s Army of Election Law Experts,” in CRC’s *Organization Trends*, October 2011.)

Left-wing pressure groups are colluding with the Justice Department to scuttle investigations into election law violation allegations, Adams warns. Although Project Vote continues to attract the most press attention—given its history with ACORN—it is the Advancement Project that is now the lead player in the assault on photo ID laws and voter fraud probes. The group, founded in 1999 by self-described civil rights attorneys, describes itself as “a policy, communications and legal action group committed to racial justice.” It has offices in Washington D.C. and Los Angeles.

Tea Party groups and conservative activists who are determined to restore ballot integrity should be mindful of how the Advancement Project operates: well before an election the

group burrows in at the local level. Here is how it explains its electioneering efforts:

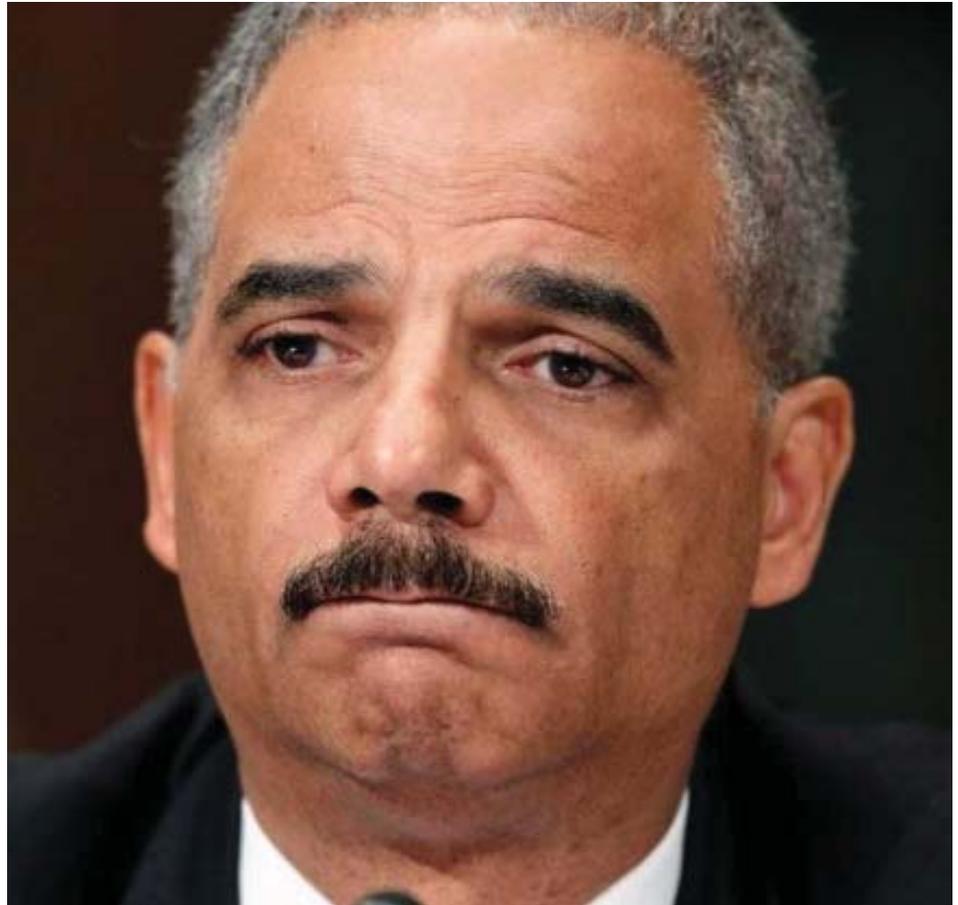
Sustained, consistent pre-election voting rights work enhances our ability to influence registration and election management. We also understand that key decisions are made at the state, county and municipal levels. Many problems and potential problems are best addressed locally, with local leadership.

The core strategy of our voter protection efforts is to monitor election administration at the state and local levels, to expose problems early in the election cycle, to address these difficulties and remove obstacles prior to Election Day.

Through this Program, we also build the legal and procedural framework necessary to carry out long-range voter protection work. With other voter registration groups, we develop processes for verifying that applicants are indeed placed on the voting rolls as well as means of investigating unsuccessful applications.

The Advancement Project argues that “multi-racial grassroots organizing” is an effective way to take down “structural racism.” This “theory of change” enables the group’s lawyers to provide legal support to states, localities, and candidacies. The Advancement Project also operates a communications department to “generate public will for progressive and systemic change.”

The group’s board of directors includes activist and singer Harry Belafonte, SEIU vice-president Gerry Hudson, and Bill Lann Lee, former assistant attorney general for civil rights in the Clinton administration.



**U.S. Attorney General Eric Holder**

Lee is currently co-director of the NAACP Los Angeles office.

Right from its inception, the Advancement Project has also made it priority to restore voting rights for ex-felons. In 2002 the group published a report titled: “Re-enfranchisement: A Guide for Individual Restoration of Voting Rights in States That Permanently Disenfranchise Former Felons.” Here, the Advancement Project laments that, at the time, legal hurdles made it “virtually impossible for former felons to exercise their franchise.”

Nkechi Taifa, the primary author of the report, served as the director of the Equal Justice Program at Howard University School of Law before moving on to become a senior policy analyst at the George Soros-funded Open Society Institute.

“There is a great need today for an unrelent-

ing war on injustice,” Taifa said at the time. “One of the battle fronts of that war must be to protect, preserve and promote the universal right to vote. The perpetual punishment engendered by the crazy quilt of arbitrary laws which govern the loss and restoration of a former felon’s right to vote after his/her debt to society has already been paid has no place in an open, democratic society.”

### **The Soros Connection**

Two foundations established by George Soros direct major funding to the Advancement Project. The Open Society Institute has made grants totaling \$3,925,000 since 1999 and the Foundation to Promote Open Society has given it \$552,775 since 2009.

The Soros connection is worth greater scrutiny because the Advancement Project appears set to supersede Project Vote as the leading apologist for voter fraud in the

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2012 elections. With Soros's backing the Advancement Project is in a position to far outspend groups advocating voter integrity measures.

However, the Advancement Project has other major donors: they include the Ford Foundation (\$5,266,000 since 2003), California Endowment (\$2,638,212 since 2001), William & Flora Hewlett Foundation (\$2,303,500 since 2001), Rockefeller Foundation (\$2,150,000 since 2001), James Irvine Foundation (\$1,650,000 since 2002), David & Lucile Packard Foundation (\$1,230,000 since 2003), Tides Foundation (\$875,540 since 2007), Charles Stewart Mott Foundation (\$650,000 since 2001), and the Carnegie Corp. of New York (\$584,000 since 2001).

## Exploiting Every Election

Soros and the other foundation financiers likely recall how the Advancement Project's work following the disputed 2000 Bush/Gore election paved the way to increased voter registration activism. A year after the election the group released a report, "America's Modern Poll Tax: How Structural Disenfranchisement Erodes Democracy." It concluded that the ballot irregularities in Florida were "pervasive across the nation" and prevented minorities from voting.

What kept the minority vote count down? The report offered two key findings:

\* "Despite widespread and persuasive evidence that minorities face much higher voting barriers than whites, state election directors generally are unaware of racial disparities in the voting process."

\* "In a country with a history of discrimination against minority voters, it is significant that only three of the 50 state elections directors are non-white."

During the 2004 election Advancement Project attorneys tried to block Republican efforts to protect the integrity of the ballot. They claimed Republicans were prohibited from implementing ballot security programs by a 1982 federal court consent decree in the case *DNC v. RNC*. In 1981, the GOP had mailed letters to registered New Jersey voters in predominately African-American areas. When some of these letters were returned as "undeliverable" the Republican poll-watchers believed they had grounds for challenging voters at the polls. (The letter-mailing practice is known as "caging.")

In 2004 Republicans challenged the authenticity of tens of thousands of voter registrations in Ohio and other key battleground states. The Advancement Project responded by filing lawsuits in Ohio and Florida to prevent those states from implementing voter security measures.

Judith Browne Dianis, co-director of the Advancement Project, said "The RNC has consistently sought to cloak its discriminatory efforts to suppress the minority vote in a law enforcement guise." Browne Dianis, a frequent guest on Al Sharpton's MSNBC program, said, "such racial profiling of the electorate is itself illegal. The consent decree in *RNC v. DNC* permanently enjoins the RNC from implementing any ballot security measure program without prior court approval."

In 2008 the election results gave the Advancement Project little reason to complain, but for the 2012 elections the group's lawyers are again diligently preparing to use the courts to stymie efforts to thwart voter fraud.

For this election year the Advancement Project has allies in President Obama's highly politicized Justice Department. DOJ attorneys are "philosophically opposed" to enforcing Section 8 of the 1993 National

Voter Registration Act, says J. Christian Adams, the former DOJ voting rights section attorney. That section calls for state officials to purge ineligible voters from registration rolls.

President Clinton signed the NRVA into law in 1993 after reaching a bipartisan compromise with Senate leaders. Section 7 includes the "motor voter" provision, which calls for social service departments and motor vehicle offices to include voter registration services. Section 8 of NVRA makes it a requirement for state officials to keep voter rolls up to date and free of ineligible voters.

"Congress passed Section 7 and Section 8 as a way to increase participation and as a way to combat voter fraud," Adams said at a Tulane University forum. "It was a compromise. Section 7 would not have become law without Section 8, because there would not have been enough votes in the Senate to prevent a filibuster of 'motor voter.' What we have now in the Justice Department are bureaucrats who have vetoed out that compromise from 1993."

Adams says these same DOJ officials use a "heavy hand" in enforcing Section 7 while ignoring Section 8. Last July, DOJ took Louisiana Gov. Bobby Jindal to court to enforce Section 7, claiming Louisiana social service agencies failed to provide eligible voters with sufficient registration opportunities.

As it turns out, the DOJ lawsuit against Jindal overlaps with a separate NAACP voter registration lawsuit in Louisiana. DOJ announced its suit on July 12 and a court ruling allowing the NAACP to pursue its lawsuit was issued on July 21. Go figure.

Anticipating a hard-fought presidential election in 2012, Project Vote, which joined the NAACP lawsuit in Louisiana, is also pursuing "motor voter" lawsuits in Missouri, Ohio,

Indiana, Georgia and New Mexico. Anita MonCrief, a former Project Vote employee, warns that the DOJ and its election law allies are working to force consent agreements on state officials that will enable fraudulent voting. These agreements preempt investigating alleged election law violations, while they expand “motor voter” registration to include more and more state agencies, MonCrief warns.

### Virginia: Voting Rights, Voter Fraud and the 2012 Election

In 2012 the Advancement Project’s overriding priority is to weaken voter ID laws in key battleground states before the November election. The commonwealth of Virginia is central to this project. In February both houses of the Virginia legislature passed bills requiring voters to produce some kind of identification at the polls for their votes to count.

Under the Virginia legislation, it would still be possible to vote by way of provisional ballot after signing an affidavit. But the vote would not count unless identification could later be presented to election officials. At press time Republican Governor Bob McDonnell had proposed making some modifications to the voter ID bill. For instance, he would expand the number of identifications that could be accepted to include college IDs and he would allow for poll workers to compare signatures with the signatures already on file if an individual does not have an ID. These proposed changes have not placated liberal activists.

Even if the governor does sign off, the law would still need to pass muster under the federal Voting Rights Act (VRA).

“When the Voting Rights Act was enacted in 1965, Section 5 was supposed to be a



**Author and former DOJ attorney J. Christian Adams**

temporary, emergency provision,” Hans von Spakovsky, a legal scholar at the Heritage Foundation, explained in *National Review*.

“It prohibits certain jurisdictions from implementing any change in their voting laws unless those changes are pre-cleared by the Justice Department or approved by a three-judge panel in federal court in Washington. This 45-year-old ‘emergency’ provision has been renewed four separate times, most recently in 2006. That renewal gave the section 25 years of new life, despite

a complete lack of evidence that the type of systematic discrimination that led to its initial passage still exists. Indeed, Congress even changed the Section 5 legal standard to make it easier for the Justice Department to cause mischief.”

The jurisdictions covered under Section 5 are all of Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia, and parts of California, Florida, Michigan, New Hampshire, New York, North Carolina, and South Dakota.

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In December, the DOJ blocked South Carolina's voter ID law, claiming that the new identification stipulations violated the VRA. South Carolina is challenging that decision in court.

The actions of the Virginia legislature mark the culmination of a disturbing trend across America "propelled by conservative and Tea Party electoral victories in 2010," the Advancement Project has told its supporters. At least 32 states are considering policy changes that call for "specific reforms of non-expired state or federally issued photo IDs" in order to vote, the organization contends in a new report entitled "What's Wrong With This Picture: New Photo ID Proposals Part of a National Push to Turn Back the Clock on Voting Rights."

"In a reactionary trend that is part of the largest legislative effort to scale back voting rights in a century, nearly two-thirds of states across the nation are considering onerous voter identification bills this year that could disenfranchise millions of voters for the 2012 elections, while failing to advance the integrity of the elections process ...," the report argues.

"The rhetoric of 'voter fraud' has gained traction in debates around the country and has been cited as the reason photo ID laws are needed. But evidence in support of this argument is scant. Photo ID laws address only one form of voting irregularity – voter impersonation – which study after study has confirmed to be exceedingly rare."

This knee-jerk dismissal of voter fraud echoes the line from the Brennan Center and other liberal groups. But the disparity between the latest census data and the names listed on state voter registration rolls tells a

different story. In 2010 testimony before the U.S. Commission on Civil Rights, Christopher Coates noted that the Election Assistance Commission issued a report stating that several states were not complying with Section 8 anti-voter fraud provisions.

According to Coates, who formerly headed the voting section of DOJ's civil rights division, these states had more voter names listed on their registration forms in certain areas than they had people of eligible voting age.

During his Tulane presentation, Adams, who also worked in the DOJ's Voting Section, noted that Louisiana has the same problem heading into the 2012 elections. He identified several parishes, including Cameron, St. Helena, St. Bernard, Orleans, St. Landry and Plaquemines, where the number of people listed as registered voters exceeds the number people living in these parishes who can legally vote, according to U.S. Census data.

## The Problem: Conservatives

The real threat to democracy is not created by those who cast illegal votes but by the conservative movement, writes Advancement Project co-director Judith Browne Dianis in a recent blog post. She accused Heritage's von Spakovsky of spreading "misinformation" last September during a hearing before the Senate Judiciary Committee's subcommittee on the Constitution. Browne Dianis, who appeared on the panel with von Spakovsky, said she "had the opportunity to set the record straight." She was particularly critical of: "pernicious, restrictive voter identification laws in 34 states that stand to disenfranchise millions of voters" and "the laws limiting early voting that were passed in Ohio, Tennessee, Georgia, West Virginia, and Florida."

Browne Dianis also rejects state laws in Texas and Florida that restrict third party voter registration initiatives and laws requiring

documented proof of citizenship for voter registration.

Like many left-wing groups, the Advancement Project uses the disputed 2000 presidential election to stir voter registration activists, and it endorses a resolution by Rep. Jesse Jackson Jr. (D-Ill.) to amend the U.S. Constitution to guarantee the right to vote.

"Most Americans would probably be surprised to learn that there is no provision of U.S. law that affirmatively guarantees citizens the right to vote," the Advancement Project contends. Citing the U.S. Supreme Court's *Bush v. Gore* ruling as proof that there is no federal guarantee of a right to vote for the electors who select the president, the Advancement Project declares, "The U.S. is one of only eleven of the 119 democratic countries in the world that do not explicitly provide the right to vote in their Constitution."

What's behind the Advancement Project so-called "Right to Vote" initiative? The group would use the U.S. Constitution as its trump card to invalidate state identification requirement laws designed to screen out illegitimate votes.

Unfortunately, Section 5 of the Voting Rights Act gives ID opponents a way to challenge state ID laws without providing evidence that the ID requirement disenfranchises voters. Section 5 requires the jurisdictions it regulates seek Justice Department approval for any changes to their voting procedures.

In 1975, Congress added Texas to the list, which means that the ID law signed by Gov. Rick Perry is now the target of a lawsuit initiated by the Advancement Project, the ACLU, the Asian American Justice Center, Southwest Workers Union, and Demos.

"This [Texas] law is a part of the largest legislative effort to turn back the clock on

voting rights in the nation in over a century,” Browne Dianis has said. “If this bill is allowed to stand it will undermine the basic fabric of our nation’s democracy.”

Browne Dianis never explains how the law prevents Texans from obtaining a valid government-issued ID.

## **Will Lawsuits Decide the November Election?**

The Left’s election law attacks on voter ID requirements could affect swing states in the 2012 election. Those attacks are likely to be mounted most often by the Advancement Project.

For instance, in Colorado just before the 2010 mid-term elections, the Advancement Project allied with SEIU, Mi Familia Vota and Colorado Common Cause to pressure Secretary of State Bernie Buescher to reinstate the names of those suspected of voting illegally.

But according to Advancement Project attorney Bradley Heard, the charge of unlawful voting is a ruse. “The illegal purging of voters from voting rolls has been a serious problem in Colorado and in other states throughout the nation,” Heard said.

In February 2012 the Advancement Project challenged a new voter ID law in Wisconsin.

As counsel for the League of United Latin American Citizens (LULAC), Cross Lutheran Church, the League of Young Voters and the Milwaukee Area Labor Council, the group filed what it describes as “the first lawsuit to invoke the federal Voting Rights Act to challenge the racially discriminatory impact of Wisconsin Act 23 ...,” the newly enacted voter identification law.

Claiming that the law disadvantages African American and Latino voters “who disproportionately lack the forms of voter

identification that are now required to vote in Wisconsin,” the Advancement Project is suing those responsible for administering Wisconsin’s elections.

The press release makes no mention of Project Vote, once the preeminent organization pursuing left-wing voting rights cases. “I find it interesting that most of the press releases now come from the Advancement Project, and not Project Vote,” Anita MonCrief observes. “The reason here should be obvious. Anything Project Vote does backs up into ACORN. But the Advancement Project is not as well-known.”

There may be ample room here to turn the Bigfoot comparison back onto the liberal attorneys with the Advancement Project, the ACLU, the NAACP, the Brennan Center and others. A careful review of the evidence in DOJ “motor voter” cases, shows that state officials have gone beyond the letter of the law to ensure that legal citizens who like to be registered, get registered.

Louisiana Secretary of State Tom Schedler puts matters into perspective.

“It would be ridiculous for me to say that 100 percent of the time those employees whose primary job function is something other than voter registration never forget to ask if someone seeking services would like to get registered,” Schedler said. “But we make every effort to ensure the materials are distributed and if someone is not interested we have to get a signed affidavit that shows the offer was made but they declined.”

Jeffrey Meldrum is an Associate Professor of Anatomy and Anthropology and Adjunct Associate Professor of the Department of Anthropology at Idaho State University. He also takes the Bigfoot legend seriously, and estimates that there may be a couple hundred such creatures concentrated in the Pacific Northwest.

That would be far more than any documented instances of disenfranchisement cited by the DOJ, but far less than indictments and convictions for voter fraud documented by Capital Research Center.

*Kevin Mooney is an investigative reporter working for the Pelican Institute in New Orleans, La. Mooney also writes for Big Government, the Daily Caller, and the American Spectator.*

**OT**

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We need your help in the current difficult economic climate to continue our important research.

Your contribution to advance our watchdog work is deeply appreciated.

Many thanks.

Terrence Scanlon  
President

# Briefly Noted

The Left's vitriolic recent attacks on the **American Legislative Exchange Council (ALEC)** have caused several large corporations to cut off funding to the state legislators' group. Among those funders are the **Bill and Melinda Gates Foundation, McDonald's, Coca-Cola, Kraft, Intuit, Wendy's, and Pepsi**. Leading the attacks is **Color of Change**, a far-left racial grievance group co-founded by self-described "communist" **Van Jones**. The group is targeting ALEC because of its support for promoting voter ID laws and for promoting the "Stand Your Ground" law in Florida that might complicate the prosecution of the man who shot **Trayvon Martin** in February. "Today we find ourselves the focus of a well-funded, expertly coordinated intimidation campaign," ALEC executive director **Ron Scheberle** said. "We are not and will not be defined by ideological special interests who would like to eliminate discourse that leads to economic vitality, jobs and fiscal stability for the states."

The Grand Chamber of the European Court of Human Rights torpedoed radical philanthropist **George Soros's** lame attempt to have his 2002 insider trading conviction overturned. The appellate court refused to even hear the case which would have centered on whether France violated Soros's rights. As *The Guardian* (UK) reported in 2002, "Société Générale was privatized in 1987. A year later, its stock price went up during an unsuccessful takeover bid. Mr. Soros was accused of having obtained insider information before the abortive corporate raid pushed up the stock price." Soros was fined almost \$3 million but the sum was later reduced.

**Soros's Democracy Alliance**, an invitation-only club for billionaire leftist political donors, has decided to drown Democrats and President **Obama's** re-election campaign in an ocean of cash this year. Democracy Alliance, founded in 2005, is a financial clearinghouse that recommends to its wealthy members projects and groups aimed at transforming America into a European-style socialist state. The secretive group has directed untold hundreds of millions of dollars to left-of-center causes. Originally the group focused on creating long-term political infrastructure but has become increasingly partisan, leading **Progressive Insurance** magnate **Peter B. Lewis** to complain and quit the organization.

Van Jones is working with various leftist groups to train over 100,000 young people to carry out large-scale acts of civil disobedience across America urging the abolition of capitalism. Jones is President Obama's former green jobs czar who was forced out after it was revealed he was a 9/11 "truther." The training program is endorsed by three **ACORN**-related organizations: the **Working Families Party, Alliance of Californians for Community Empowerment, and Missourians Organizing for Reform and Empowerment**. WFP is ACORN's political party and ACCE and MORE are renamed ACORN state organizations.

London-based marketing firm **BBH Labs** is under fire for using homeless people as wireless transmitters at the recent South by Southwest music festival in Austin, Texas. In what the company called a "charitable experiment," 13 homeless shelter residents were paid \$20 per day to wear mobile WiFi devices to help attendees access the Internet. The effort was calculated "to raise awareness by giving homeless people a way to engage with mainstream society and talk to people." Liberals predictable denounced the project as exploitative and callous but a spokesman for a participating shelter praised this unorthodox approach to philanthropy. "It's an employment opportunity, regardless of who is offering it."