



JUDICIAL WATCH

A Special Panel Presentation: The Voter Fraud Crisis

Introduction and Moderator:

**Tom Fitton,
President, Judicial Watch**

Featuring:

**Cleta Mitchell,
Partner and Political Law Attorney at Foley & Lardner LLP**

**Robert Popper, Senior Attorney and Head of Election Integrity Project
at Judicial Watch**

**Jesse Richman,
Political Science & Geography Professor at Old Dominion University**

**Hans von Spakovsky, Manager, Election Law Reform Initiative, and
Senior Legal Fellow for the Meese Center for Legal and Judicial
Studies at the Heritage Foundation**

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TOM FITTON: Good afternoon. I'm Tom Fitton, president of Judicial Watch, and welcome to our special educational panel on the voter fraud crisis. We are lucky here today to be joined by some of the most knowledgeable people in the country on election integrity and voter fraud in particular, and we will get to them in a few minutes. But, first, let me introduce you to the topic generally.

Judicial Watch, of course, is a non-partisan educational foundation that promotes government accountability and integrity. And we do that through oftentimes litigation and through educational panels like this, obviously. And we've been investigating the issue of election integrity for some time, with our Election Integrity Project, and certainly President Trump's comments about the possibility of voter fraud in the 2016 elections shared by – there are some concerns even on the left on that, for Bernie Sanders' supporters, has heightened the attention on election integrity in American politics today.

And the president announced, as he was coming into office, that he wanted the issue of voter fraud investigated. What that investigation entails, we don't know. But, from our perspective, a voter fraud investigation done by the federal government would be the most significant civil rights investigation in a generation.

And why is that? Because if there is voter fraud, whether it be a dozen, a few hundred, a few thousands or, as President Trump seems to allege, a few million, those are votes that are stolen from average Americans who are voting lawfully. Those are votes negated by illegal aliens or aliens voting or dead people voting or other people voting who aren't supposed to be voting. And those are your core rights – your right to vote – that are being negated as a result of voter fraud and unsecure elections.

So this would be an appropriate move for the federal government to make, and it's something, obviously, that Judicial Watch is watching very carefully and our panelists here will have something to say on.

But there are other issues out there too, which are dirty election rolls. You could have registered to vote and you think it's very systematic and people are careful about how those rolls are being managed. Well, that's not the case. And we've been investigating that for years. The law is that the states take reasonable efforts to make sure those rolls are clean so that when you die or move away, your name is removed. Well, that isn't being done in many states across the country.

And under the Obama administration, that law that those rolls be maintained in a reasonable way wasn't enforced, and it was up to Judicial Watch to file the first private lawsuits in American history against Republican-controlled states, in Ohio and Indiana, to try to get them to clean up the rolls. And those lawsuits ended after they actually did what we asked them to do.

So there's a major crisis in that regard because there are many states across the country, major states like California, where our analysis shows up to 20 percent of the rolls aren't clean, and it's my view when you have dirty voting rolls, you have dirty elections.

And, on top of that, you had the Obama Justice Department take this almost fanatical approach to suppressing election integrity measures by challenging them in court wherever they showed up. Either they challenged them or they worked with the ACLU and their leftist allies to go to federal court to challenge them, sometimes successfully, often unsuccessfully. You name it – North Carolina, Texas, and I can imagine there are many other states that wanted to do election integrity measures but were unable to because of the threat of Justice Department lawsuits.

And the lawsuits are against voter ID measures, they're against measures that would restrict early voting, which is a kind of a free-for-all type of mess when you think about it, and other commonsense election integrity measures. And, as a result, this has been brewing in the federal courts for years now and it's stalled the implementation of election integrity measures in places like North Carolina.

I don't know whether the results in North Carolina were impacted by election fraud, but I do know the election results in North Carolina were dirtier than they needed to be because they didn't have the rules in place to ensure that a clean election was in place. And so that's the crisis we're facing in many respects.

And on top of that you have absolute hostility, which I can't understand, although I have a theory as to why the hostility is there, to asking people whether they're citizens and ensuring that they're citizens before they register to vote. The Obama Justice Department opposed that. They sued Florida to prevent questions like that from being asked in any significant way, and, from my perspective, I don't understand why it would be against voter ID or making sure that only citizens are voting other than you want to be able to steal elections when necessary. That's the conclusion I draw. I don't see any other conclusion that can be reasonably drawn. The left pretends that it's concerned about racial discrimination and such, but there's no evidence of that.

So people are concerned that there's an element in the political community, mainly on the left, and had helped with the Justice Department to try to rig the election system in such a way as to allow it to be stolen in particular instances when necessary.

So I think that's the crisis we're facing. I don't know if it's a few dozen or a few million illegal votes in any one election, but certainly we need to figure that out one way or another. And anyone who's opposed to figuring out one way or another, I think we should question what their motivations are. Do they want the truth? They don't want the truth? Then they know the truth is going to harm them.

So that's what I think. We're going to see what our expert panelists think who know more about the topic than I would ever hope to.

Joining us first is – not in the order they’ll appear but first here in introductions – Cleta Mitchell is one of Washington’s most influential lawyers, with Foley & Lardner; is recognized as such by both “Washingtonian” magazine and the “National Journal.” She’s testified to Congress on numerous issues related to election law, campaign finance and lobbying and ethics law. I mean, she’s one of the top lawyers in the country on this issue. And, obviously, she makes a living doing it, but I know a lot of you are citizen activists who do volunteer work. Well, she’s a great volunteer too. And a lot of the work she does to educate the American people and lawmakers is unpaid. And it’s part of her citizen activism. So we’re really grateful for that. And she’s one of the top – as I said, one of the top legal experts in the country on this issue so we’re lucky to have her.

Also joining us is another great friend of Judicial Watch is Hans von Spakovsky, who is manager of the Heritage Foundation’s Election Law Reform Initiative. Now, Hans used to work at the Justice Department during the Bush administration. And even the Justice Department during the Bush administration wasn’t as good as it should be, as I’m sure Hans will tell you. And he was a counsel to the assistant attorney general for civil rights, and, obviously, he had much expertise in enforcing the Voting Rights Act, and the Help America Vote Act and other important law you may not know about but which is essential potentially to cleaning up our elections. And he’s co-author with John Fund of the book “Who’s Counting: How Fraudsters and Bureaucrats Put Your Vote at Risk.” And, again, Hans is one of these other experts who does yeoman’s work in educating lawmakers and elected officials about the importance of election integrity.

And I can tell you, just the group here, compared to what the left has on election integrity, this is it relatively speaking. I’m only exaggerating slightly. But they have hundreds of not thousands of lawyers who spend all their time thinking of ways to undermine election integrity and make our jobs harder, those of us who want voter ID and election integrity measures. And we’ve got to rely on the super-human efforts of folks like Hans and Cleta to get this work done.

Also joining us is a man whose study has been in the news a lot recently. He’s even cited, I believe, by the White House in defense of its concerns about voter fraud, Dr. Jesse Richman, who is associate professor of political science and international studies at Old Dominion University in Norfolk, Virginia. And Dr. Richman is another expert on American politics, authoring numerous articles in “American Political Science Review,” “Legislative Studies Quarterly,” so he knows where it’s at in terms of election issues and American political life. And one of his studies that he co-authored is entitled “Do Non-Citizens Vote in U.S. Elections?” And that’s a 2014 study which is still reverberating here in the United States and has been attacked for asking that – even asking that question, so I don’t want to steal his thunder as to describing what’s in that study but you’re going to want to listen.

And last but not least is my colleague, Bob Popper, who is director of Judicial Watch’s Election Integrity Project. And prior to joining Judicial Watch, Bob also worked at the Justice Department under both President Bush and President Obama. And Bob was deputy chief of the voting section and the civil rights division of the Justice Department. And while there, he led investigations relations related litigations to the Voting Rights Act, the National Voter

Registration Act, and the Help America Vote Act. Not only that, but you were involved in the attempted prosecution of the Black Panthers. So maybe we'll ask you a little bit about that as we move forward. And, obviously, he's been litigating for Judicial Watch in North Carolina and elsewhere across the country, again, trying to promote the rule of law in our elections.

So, you know, it's an important issue. If we don't have clean elections, all these debates about policy are really for naught, aren't they? So starting us off is Hans, who is joining us here. Hans, I'll turn it over to you.

HANS VON SPAKOVSKY: Tom, thank you very much. And thanks for actually staging this panel, very important issue as I think most of your listeners and watchers understand.

Look, the United States has a long history of voter fraud that has been documented by journalists and historians, and it could make the difference in a close election. Those aren't my words. Those are the words of the United States Supreme Court in 2008 in a case in which they upheld Indiana's photo ID law, which was a great law, a commonsense requirement that Americans all think is a good idea and that other states have been trying to implement despite great opposition to it.

Now, one of the things you hear all the time is that, oh, there's no voter fraud in the United States. We've heard that from President Obama. You hear that on the editorial pages of the "New York Times" and "Washington Post." Well, about a year and a half ago, at the Heritage Foundation, where I work, I got tired of hearing that.

So we started a database. And we are not going backwards. We're not doing an exhaustive search and research on past voter fraud cases in the United States. We just started putting into this database cases as we run across them. Now, this database doesn't contain stories of allegations, of people saying, well, I think I saw something at a polling place and I think it was wrong, perhaps fraud occurred. All we're putting into our database are cases where individuals have been convicted in a court of law of committing election fraud and cases where a judge ordered a new election because of irregularities and potential fraud in the underlying case.

Without any serious effort on our part, we are now up to 462 cases from across the country, 742 criminal convictions. And that doesn't include the most recent cases we're going to put in. Just three days ago, three days ago, I was sitting at my desk, and I saw that the Seventh Circuit, the United States Court of Appeals, so this is a court that's just one step below the U.S. Supreme Court, released a five-page opinion about a woman, a Peruvian citizen, who was in the United States, and when she went to get her drivers' license in Illinois, she decided to register to vote and voted in the next federal election.

Now, what's interesting about this is that she actually lied on her voter registration form. She checked the box saying, yes, I'm a United States citizen. She could have continued to vote as often she wanted to in Illinois. She would never have been caught because Illinois does absolutely nothing to verify the citizenship of people. The only reason she was caught was because she actually applied for citizenship. And it was during the citizenship application that it was discovered that she had registered and voted in election. This is on the same day, by the

way, that another report came out of Texas, similar incident. A woman down there, not a U.S. citizen, who voted illegally in the 2012 or 2014 election.

My point here is that this is just the tip of the iceberg. We have an honor system in the United States when it comes to voter registration and voting. States do almost nothing to verify the accuracy of the information they get when you register to vote. They don't check to make sure you're a real person. They don't check your ID. They don't check to see if you're a U.S. citizen. They simply take the information they get on voter registration forms, put it into the system and you are promptly registered to vote.

Now, we know there are problems and issues all over the country. Some states are worse than others. Tom, you mentioned California. California probably has one of the worst and most unreliable voter registration systems in the country. It's going to get a lot worse because they have now gone to what they call automatic voter registration, in which everyone who is getting a drivers' license in the state is automatically registered. Last year, they issued upwards of more than half a million drivers' licenses to illegal aliens. And how they are sorting through to make sure those individuals are not getting registered, California hasn't really let us know how they're going to do that.

My point here is that there's plenty of evidence of fraud all over the country. The database that we have put in doesn't include many other instances of known fraud that we have seen occur because they're not getting prosecuted. And I give just one more example, then turn it back to you.

And that is, look, several years ago, I was on a county election board in Virginia. And we discovered almost 300 individuals in our county who were not U.S. citizens and who were registered to vote. About half of them had voted in prior elections. We took them off the rolls, which is what we could do as election officials. And we turned that information over to the county's district attorney and to the U.S. Justice Department under Eric Holder. They did absolutely nothing about it. There are potential almost 300 cases of voter fraud that could have been investigated and prosecuted, that would have almost doubled our database. But the cases were ignored and nothing was done about it.

And that is one of the problems with voter fraud around the country as often local DAs ignore it and the Justice Department, for many years, has also not been interested in prosecuting these types of cases.

MR. FITTON: Thank you, Hans. Before you end, I want to ask you a quick question. Was it easy to prosecute voter fraud during the Bush administration? You know, viewers may be misinformed that they think, well, there's a different administration, all will be sweetness and light. Do you think that will be the case?

MR. VON SPAKOVSKY: Look, there certainly was an added emphasis on the cases, but what you have to keep in mind is that the Election Crimes Unit within the Justice Department, inside the criminal division had a total of two people, two lawyers to cover cases all across the country. Compare that to the voting section of the Justice Department which enforces

the Federal Voting Rights Act. And at the time I was there, they had over 80 staffers working on that. That's the difference in resources between the two.

Also, quite frankly, most of the U.S. attorneys' offices across the country really didn't understand – they weren't interested in it, they didn't think this was something they wanted to look at when they had other cases. And many of them actually didn't know how to go about finding the kind of fraud that's occurring. And so there really wasn't much activity in the U.S. attorney's offices either.

MR. FITTON: Well, thank you. And it's a way to – certainly to provide some direction as to what we should be expecting from a new Trump administration.

Dr. Richman, I turn it over to you. Feel free to talk about your study and its implications for past elections and your interesting analysis on how might apply to the current election.

JESSE RICHMAN: Yes. So the paper I published in 2014 was looking at the 2008 and 2010 election to some degree. I don't have data from 2016 so anything we say about the implications of the study to 2016 is very speculative, and I don't want to say too much about 2016 because we really don't know yet.

Hans talked about how there's – through convictions, we can get some evidence of the prevalence with fraud, but, as he rightly noted, many instances of fraud don't get prosecuted, either because prosecutors aren't even aware that they exist or because they choose not to prosecute. And, you know, there's prosecutorial discretion and limited resources, as well as simply the fact that, if somebody who's a non-citizen decides to register and vote, in many cases, that's very difficult to detect because we don't have very good databases to match with and it's been very difficult to do that matching.

So the approach that my colleagues and I took was to look at survey data. So this has its own set of challenges and problems but it's coming at it from another direction, which is let's ask people who say they're non-citizens about their electoral participation.

And we analyzed data from the Cooperative Congressional Election Study Survey, and the survey included a question about citizenship status. Now, it's possible that some of the people who said they were non-citizens were actually citizens. This is one of the arguments critics have made. I'll talk a little bit about some evidence from people who twice, in two different years said they were non-citizens, and, you know, there's still evidence of registration and so forth in that context.

So what we found, depending on how you slice the data, you get different numbers. The people we can be most confident about actually being registered and voting are the people who both said they were registered and had a validated registration status when the voter file firm Catalist matched respondents to the survey with voter rules. Now, this matching was imperfect. Many people weren't matched and that reflects a variety of factors. They were matching not just the voter rolls but various other commercial databases. Matching's hard.

But the low end in 2008, it looked like about 3.3 percent of the people who said they were non-citizens and said they were registered to vote. Now, you can be even more confident about it. In 2012, there were some people who were re-interviewed after being interviewed in 2010 as well. So these are people who said they were non-citizens in 2010, again said they were non-citizens in 2012. Of those, 2.4 percent both said they were registered to vote and had validated voter registration.

So this suggests a rate of non-citizen registration that's potentially – if you take that out across the millions of non-citizens there are in the country, that's a lot of people. At the high end, if you – if people who have some indication of having registered either they said they were registered or they had validated voter registration status, you get an estimate of at the high end about 19 percent in 2008, and then, 2012, the people who twice said they were non-citizens, about 17.6 percent had some indication of registration status.

And there are various other surveys which suggest similar things. There's been some – Hans has written some things about it. Other people have noted there was an article in the "Washington Times" recently about the National Hispanic Survey in 2013 which found that about 13 percent of respondents who said they were non-citizens also said they were registered voters. So it seems like survey evidence provides evidence of non-citizen registration.

There's also evidence of voting. Some of the people who said they were registered said they voted, cast validated votes. In 2008, that was about 1.5 percent who said they were registered said they voted – cast a validated vote. If you look at all people for whom there was some indication of some involvement, we're talking about a higher number. We're talking about 11 percent at the high and with some indication many of those people we don't know. Somebody says they voted, but we don't have a validated vote or somebody has a validated vote but they didn't say they voted. We don't know. Were they lying? Did they make a mistake?

If we look at the people who twice said they were non-citizens in 2012, we still have a person who cast a validated vote. We still have 10 people who said that they voted. So there's quite a bit of evidence that there's a level of non-citizen participation from survey data.

There are also various other kinds of databases and matches that people have done to try to get some sense of the magnitude of non-citizen voting. And this is very uncertain. Now, surveys are always uncertain. You know about polling. Polling – the estimates vary sample to sample. There are always – you never know for sure when you're looking at survey data but it gives some indication of the general rate.

There also have been – North Carolina did some matching a couple of years back looking at the DACA lists. So these are DREAM Act people, people who arrived in the U.S. as children. They're not citizens. They had no path to citizenship so we can be pretty confident that they didn't naturalize or something like that and there wasn't an error in the database that way.

About 1 percent, 0.97 percent of the DACA individuals in North Carolina were also registered voters. And, in Virginia, Hans mentioned one study that came out last year looking at several countries. And between – it varied county to county, but between 4.8 percent and 0.03

percent of the total non-citizen adult population in the various counties that were studied had been removed from the rolls based upon not being citizens.

In Sedgwick County, Kansas, they started in 2016 keeping track of people who registered to vote at naturalization ceremonies. These are people who had just become citizens. And keeping track of whether those people were already registered to vote, previously in Kansas as non-citizens. And they found that about 1 percent of the people who were showing up to register to vote, so, presumably, there were others who were registered and knew it and didn't re-register had previously registered.

So there are a variety of indications suggesting that some non-citizens do take part in the U.S. electoral system in ways that they're not supposed to. Across the U.S., if you're not a citizen, you're not supposed to register to vote but some people, nonetheless do.

But there's a lot of uncertainty here in terms of the numbers and what that means is in part, I think we do need to keep investigating this in terms of trying to get more clarity of the more different kinds of data we can bring to bear, and, hopefully, in the current administration, the investigation that's being launched will include a careful and a transparent and a thorough evaluation of a wide range of different kinds of data in order to help refine the kinds of estimates that we have because any one measurement may be biased in one way or another but the more measurements there are, the more it looks like we can – you know, we can start triangulating across them and getting a sense of the overall magnitude.

And, of course, I think we need to keep in mind two things. One is we shouldn't let ourselves get frightened by high-end ranges on the uncertainty. So there's been speculation of three to five million illegal votes. That goes well beyond what any of the estimates I just talked about give you. So that's probably really on the very high end. Maybe that will turn out to be true but I think it's very unlikely.

Nonetheless, even a very low rate of non-citizen participation elections can have substantive consequences. Our elections are mostly won by the candidate with the most votes. If it's a very, very close race, it doesn't take much illegal voting at all to change election outcomes.

So on those notes, I'll wrap up.

MR. FITTON: Jesse, could you translate the percentages to the ranges of poll numbers of aliens? And to be clear, these are both aliens lawfully and unlawfully present here in the United States who may be voting based on the data you've analyzed.

MR. RICHMAN: That's right. So how many non-citizen adults are there in the U.S.? It's about 20 million. And so, you know, what does that mean? That means that for every 1 percent who are registering, we're talking about hundreds of thousands of people. And so even a very low rate does translate into potentially very significant number of individuals and potentially quite a significant number of votes.

Now, non-citizens are distributed unevenly so sometimes the places with the highest concentrations of non-citizens are places where Democrats are probably going to win with or without those votes. But there are elections where it's very close and where there are enough non-citizens that even a very low rate of non-citizen participation could swing the outcome.

In my paper, we know, for example, the race where Franken versus Coleman in Minnesota decided by a few hundred votes more or less. There was a very contentious recount as well. And, you know, it would take about half a percent of Minnesota non-citizens casting ballots based on the ratios who were supporting – nationwide supporting Democrats versus Republicans to tip that race.

MR. FITTON: But was there a partisan bias among those citizens, non-citizens registered to vote?

MR. RICHMAN: Yeah. So the survey includes questions about candidate preference. And so you can get a sense of both the preferences of non-citizens who voted and the preferences of all non-citizens.

In 2012, I looked at support for Obama. And among all non-citizens, about 80 percent supported Obama. Among non-citizens who cast validated votes, it was about 90 percent who said that they supported Obama. So there are a few who are supporting other candidates or didn't express a preference, but, overwhelmingly, it's support for Democrats, President Obama.

MR. FITTON: So the mirror of the Trump argument is that he did get a few illegal alien votes too.

MR. RICHMAN: He might have gotten a few.

MR. FITTON: But not enough to overcome the other numbers.

MR. VON SPAKOVSKY: But just a quick another example of this. Look, just from some – just from my experience and one other study that was done, we know that around 1,400 non-citizens were registered to vote in just nine counties in Virginia and a considerable number of those voted. In the last – a little more in the last decade, two state attorney general races in the state of Virginia, statewide, were decided by less than 1,000 votes. So it's very clear that in those two elections alone, non-citizen voting might have made the difference.

MR. FITTON: The Senate race in New Hampshire was less than 1,000 votes just past year. Thank you, Dr. Richman. Cleta Mitchell.

CLETA MITCHELL: Well, Tom, thank you so much and thanks to Judicial Watch for organizing this I think very important program.

I think it's important for people to understand one fact. There is a systematic well-funded effort by left wing liberal, progressive, whatever you want to call them, and now the Democratic Party openly to essentially dismantle the election administration system in our country that has

grown up over the past century to create safeguards against voter fraud, to maintain the integrity of our elections, to protect the sanctity of the ballot, the secret ballot, and to keep legal votes from being diluted by illegal votes.

And there is this concerted, well-funded effort that has been underway for more than 20 years to abolish all of those safeguards and to fight any new safeguards that may be needed as we determine that there are problems within the voting system.

And let me just give you some examples of how that manifests itself. Let's start with the voter rolls. There is a federal law that requires jurisdictions, voting jurisdictions and states, to clean the voter rolls every so often, to make sure that there are no non-citizens on the rolls, because it is a federal crime for a non-citizen to register to vote, and it is a federal crime, a second federal crime, for a non-citizen to cast a vote in a federal election in the United States.

The states have various degrees of requirements about who is eligible to vote. Some states say that if you are a convicted felon, that you can never have your voting rights restored. Most states have changed that, but, certainly, there is a generally understood and accepted statutory requirement that incarcerated prisoners are not eligible to vote. They have forfeited their citizenship rights to engage in certain things because of criminal misconduct.

And California, for instance, has a constitutional prohibition against incarcerated prisoners from voting. So the Democratic legislature in California redefined by statute what incarceration meant so that prisoners incarcerated in California penal institutions were eligible to vote in November of 2016. How many incarcerated prisoners cast ballots in November of 2016?

MR. FITTON: And that's not going to be picked up by a study at the Old Dominion University.

MS. MITCHELL: It's not going to be picked up by anybody unless the – because there is a political bias now that is brought about this by leftist, liberal, progressive, Democratic effort to dismantle election integrity systems. When the voter rolls are not clean – and Hans and I work with a public interest legal foundation, the Public Interest Legal Foundation is the name of it, and it has brought nine lawsuits in multiple states over the last two years to force the cleanup of voter rolls. In some jurisdictions, there are 120 percent – the voter rolls are 120 percent of the voting age population, which means that there are more people on the voter rolls than there are eligible adults to cast ballots in that jurisdiction. Now, how does that manifest itself?

Well, as we see the left moving more and more to wanting all mail ballots, mailing, M-A-I-L, not M-A-L-E, mail-in ballot – they want to do away with polling places altogether if they can. They want to be able to take those voter rolls and have the jurisdictions mail a ballot to everybody on the rolls. So what happens if you have dead people on the rolls? What happens when you have non-citizens on the rolls? They get ballots. Those ballots are returned and counted. And it manifests itself in illegal votes, and we don't even know the extent of it. So we've been fighting to enforce the federal law to clean up the voter rolls.

Let me give you another example about potential for fraud in mail-in ballots. There's only really one way, and this is true with absentee ballots and other mail-in ballots. There's really not a good way – if you don't – first of all, you have to have pristine voter rolls, which we know we don't. Then they get these ballots.

Well, the only real way to determine, have any kind of a safeguard is have to some sort of transparency. And most states use the signature so that you have a way to sign your envelope at the carrier for that mailed-in ballot, and there needs to be a way for citizens and competing parties to be able to compare those signatures to see if that signature on the ballot matches the signature that's on the voter rolls, on the voter registration card information.

In Pennsylvania, there are counties that provide monitors at the county election board so that if I'm working for a candidate, I can go in and I see those absentee ballots come in and I can compare signatures. And, in fact, in 2010, in one county, workers went in and began to raise questions. Now, these were ballots that had been approved but the citizens, volunteer citizens, just as you pointed out, went in and started comparing signatures and said, there's a problem. These look like they're all the same signature.

And, in fact, those ballots, all of the absentee ballots were then sequestered in that county and were not counted. And the district attorney ordered an investigation. And it turned out that the campaign manager for an incumbent Democratic congressman had set up an absentee ballot harvesting scheme, which is a violation of Pennsylvania law.

After the election, because it ended up not being close, the whole thing went away. That should have been added to Hans' database but because they didn't pursue the investigation, the district attorney dropped it. And none of the absentee ballots were cast.

And I'll just close with one other thing that I think is really important, to compare that to Clark County, Nevada, where there is a huge number of – I spent a good bit of time in Clark County in 2010, same year, all of the absentee and mail-in ballots that were submitted to that jurisdiction, Clark County, which is Las Vegas, the largest county, those were all processed by election workers who were yards away from any citizen behind a glass so there was no way for the citizens to be able to – there was no transparency, no way for the citizens to be able to look at those signatures. And the workers are just processing them and without really looking at them. And there was nothing we can do.

So there are lots of examples of the reason these systems exist, and we know that the systems need to be enhanced, not eliminated. And I don't think that we have any way to know the extent of vote fraud until we are able to institute some audits of balloting, audits of systems to determine whether or not at every step of the process we are ensuring and we're guarding against illegal voting.

MR. FITTON: You know, I'm no lawyer but my understanding of civil rights law is if – other civil rights, if you have those sort of systems in place without any checks in place, the presumption would be that someone's rights are being violated, meaning the right to honest votes, to have your vote counted and not negated by illegal votes.

MS. MITCHELL: That's right. That's exactly right.

MR. FITTON: And you can presume, in states like Nevada or, frankly, in Oregon, or Colorado, where they have now – you know, all these states where these massive mail-in ballot programs are being instituted, your right to vote isn't being protected. And it's a serious crisis. And whether they catch them all is irrelevant. We've got to get the processes in place so people are assured that their votes are counted just as much as we are able to catch the bad guys. Thank you, Cleta.

Bob Popper, you worked at the Justice Department during the Obama administration. Now you work at Judicial Watch, which does more than a Justice Department does, as you know.

ROBERT POPPER: The people's Justice Department.

MR. FITTON: The people's Justice Department. But you could see there's a lot to be done. Talk about what you've been focusing on and your insights based on your experience and the battles we're in now.

MR. POPPER: Sure. Well, I mean, you know, Cleta, what you've said, I mean, it resonates with me. The extent to which – you know, we don't know the extent of a variety of voter fraud activities. Non-citizens voting, voter impersonation, same-day registration, registration fraud, you know, the extent to which duplicate registrations or voter – we don't know these things.

And what you pointed out, and it's so true to my experience is that the Obama administration made this a political football. I mean, at the same time that the president was giving speeches saying there's no evidence of voter fraud, the administration was refusing to share federal databases that might have allowed some light to be shed on the extent of the problem.

The state of Florida ultimately had to sue the administration to gain access to a database containing the systematic alien verification for entitlements database, the SAVE database, to gain access to this. And then, when it did gain access, the Obama administration put so many restrictions on the use of that database that it was practically difficult to get any useful results from it.

MR. FITTON: Now, that database, to be clear, its aliens in the federal system who are receiving welfare benefits more or less, and there's a list of them.

MR. POPPER: It's about entitlement to benefits so it's not specifically focused on your citizenship status but it sheds light on that. And then, you know, the second point is that I worked in the voting section and the NVRA is the federal law that mandates list maintenance, and that is that states have to clean up their voter rolls, and those are the lawsuits you mentioned. And, Tom, the lawsuits you mentioned in Ohio and Indiana from Judicial Watch.

And I was in the voting section when we were told by new management in the Obama administration that they didn't care, and those were their words, management's words, we don't care about that statute. And, in fact, it wasn't enforced.

The last NVRA lawsuit, suing states to make them have clean voter rolls was brought in 2007. I know because I brought it. In 10 years, there's been no comparable lawsuit. And so, yes, it's become a political football. It's a shame because there is so much suggestive evidence and the answers could be obtained.

In terms of suggestive evidence, of course, there's the Pew Foundation study saying there are almost three million duplicate registrations in the country, almost one in eight is inaccurate. There are about 1.8 million deceased registrants on the voter rolls. We know that Judicial Watch examined surveys that 42 states submitted to the Election Assistance Commission.

And in 2015, in our research, we found that there were 226 counties among these 42 states – you know, that's not even all the states – 226 counties had more registered voters than voting-age population. And some of those, Cleta, some of those counties had more registered voters than total population, a few of them.

MR. FITTON: It's a miracle. Or something. Yeah. (Laughter.)

MR. POPPER: You know, we also know that there was the Crosscheck verification program, there were a lot of states at the time that I'm speaking about, 2013, 21 states were members of that system. They would check voter registration lists with each other and see if they had duplicates. And it didn't include the biggest states. It didn't include New York or Texas or California.

Even so, the state of Virginia identified 57,000 duplicate registration. Seventeen thousand of those involved people who were registered in three or more states. They referred 50 people for prosecution at that time, in that one electoral cycle. Imagine if you take that and have a complete list of all 50 states, would you multiply that number by two or three, and would you multiply it by 50 states to get an idea of how big that kind of fraud is? And, bear in mind, the ones who were referred for prosecution had registered in Virginia and then registered somewhere else and then voted in Virginia. That was the sequence.

You know, we need more evidence. We need to establish what the extent of the problem is. We know that many states have responded to public records requests, saying that they don't track voter fraud at all. It's understandable in some cases why they don't. It's such a low offense in terms of penalty. It is easy to get out from under in a lot of cases simply by saying, I didn't know I wasn't allowed to vote. And I think that some of the felons who voted in the Franken/Coleman election used that particular maneuver to avoid prosecution, I didn't know I wasn't allowed to do it. There's a very high specific intent requirement. No prosecution.

We know that, you know, convictions are a fraction of investigations or they're a fraction of committed crimes, they're a fraction, you know, at each stage a fraction of all crimes. You

know, known crimes are a fraction of all crimes that in fact have been committed, and that's especially true with voter fraud, or it's very hard to prove in a lot of cases. Impersonation fraud – you're sometimes left with nothing but a signature. You know, a non-citizen who votes, you know, what do you have to enable you to track down that felon or that criminal?

We also have all sorts of suggestive evidence from states. There's the Pew study that you all did; 1,000 plus people were removed from the rolls for being non-citizens in Virginia. Hans, you mentioned your 300. There are what, 400 plus in Colorado who were non-citizens who self-confirmed that they were registered to vote. NBC News found about 100 in Florida in 2012, you know, 100 here, 1,000 there, you know, and then, of course, there's Professor Richman's study suggesting the full extent of the problem.

And also, we know that officials from the USCIS and from ICE report that they arrest and detain people for deportation who have voter registration cards, who have voted. You know, and we at Judicial Watch are contacted by these people and told these stories and a couple of them have made the papers.

So we know there's a problem. We want to know how big it is. The least that our public officials could do is stop fighting us to find out what the extent of the problem is.

MR. FITTON: Well, and obviously that's key – I don't want to cut you off. I'm assuming that was –

MR. POPPER: That was my final word.

MR. FITTON: – and that's key here. You know, just in terms of aliens, we have 20 million plus aliens of age who would be eligible to vote. And the left would have you believe no more than a few dozen vote illegally. President Trump says three to five million. Obviously, it's somewhere in between and it strikes me that's a number, and we're kind of getting – we get a feel for this – this is a number that it's not like an unsolvable equation. There's enough information out there that if the federal government wanted to use the powers entrusted to them by the American people for good, they could figure this out probably within weeks if they were doing it the right way.

MS. MITCHELL: And, as you point out, and, hopefully, these things we're talking about, it's not just illegal or non-citizen voting. There are 15 states that allow same-day voter registration and voting. Well, we know that people register in multiple states. What sort of after-election audits are done to determine whether the people who have registered on that date and voted in that election, same day, that they didn't also vote in another state in that same election? There is zero, zero auditing of those votes where you have same-day registration. There is no cross-checking to determine. And those may be citizens. They're students oftentimes.

MR. FITTON: College students, college grounds. That's a big issue.

MR. VON SPAKOVSKY: And we know this is happening because a little known case, a group of individuals were prosecuted and convicted in Ohio after the 2008 election because at the time, Ohio had what they called same-day registration. You could register and immediately vote.

And election officials didn't discover this. I think a college student was like doing a video news report and they discovered that about a dozen individuals who had registered to vote were all living in this one little house in Ohio. And who were they? Well, it turned out they were election volunteers who had come in for the Obama campaign from other states. They weren't living in Ohio. They were just there to work on the election. In fact, they were registered in other states. And what did they do? They registered and voted in Ohio because it was a key battleground state and they wanted their vote to count. And they were prosecuted. And that's just one instance of that.

MR. FITTON: And just so – the left would have you believe it's a Democrat versus Republican. In a lot of these key voter fraud susceptible jurisdictions, it's Democrat versus Democrat. You have Democrats who want to challenge incumbent Democrats who face the sort of hurdles to getting their votes counted by the incumbent machine that has these voter fraud protections in place.

And I think we need to address this more directly because, to channel President Obama and the left who, let's presume they're saying this in good faith, they said, look, what's going on here, you're all wet. Your real agenda here is to go back to the era of Jim Crow. This is all to get Republicans elected. This is to suppress the minority vote. These rules you all want to put in place, it's all good for white people because they can get access to voter ID but minority people can't get access to voter ID and so all it does is it suppresses minority turnout. It's not clean elections. You just want elections that are free of minority voting.

MR. VON SPAKOVSKY: Yeah. And we know that's not true. Look, when John Fund and I wrote our book on voter fraud cases, many of the cases that we illustrate, and I can name specific ones, the votes that were being stolen were the votes poor individuals particularly in urban areas and rural areas, often African-American.

And the reason for that was expressed very directly by a Democratic campaign consultant who was convicted of voter in Troy, New York. And there, they were targeting these poor neighborhoods. And he was asked, well, why were they doing it there? And his answer was, well, because those are the individuals who are least likely to notice and least likely to complain that their vote has been stolen. And that's – those are the individuals that we're targeting. And there are many cases like that, which is why the polling shows actually African-Americans believe voter fraud is a bigger issue than a lot of white Americans do.

MR. POPPER: The majority support voter ID.

MR. VON SPAKOVSKY: That's right.

MS. MITCHELL: An overwhelming majority.

MR. FITTON: Talk about our analysis as North Carolina voting patterns after all of these terrible election integrity laws were implemented.

MR. POPPER: It was consistent with the same thing that's been found in Georgia and was it Tennessee?

MR. VON SPAKOVSKY: Yeah. And Indiana also.

MR. POPPER: Indiana. You know, we found in the primary that after the implementation of, you know, some of the reforms that had been challenged in that case, there was an elimination of out-of-precinct voting which, by the way – I mean, we don't have time probably to get into it but it's a terrible idea, elimination of same-day registration, limitation on early voting, and the beginning of a roll-out of voter ID laws – that minority registration increased, registration increased, turnout increased, every metric that you use to judge whether people are signing up to vote and voting increased for minority voters.

Judicial Watch submitted it to the court. The court said, well, it's a primary. We can't really consider it. Okay. Come to the general election. Every metric of voter turnout from minority voters, African-American and Hispanic voters increased again. You know, and this is a story we see everywhere.

So if this is – if voter ID, which is so overwhelmingly supported in the minority community is a trick to diminish minority registration and turnout, it's failing miserably.

MR. FITTON: It's the evil Republicans who are being tricked.

MR. VON SPAKOVSKY: Yeah. It's important to point out because what Judicial Watch did in the North Carolina case was just great. But it's important to note that all of the experts that were brought in by the Holder Justice Department and the plaintiffs who sued, they all said, oh, my gosh, these reforms are going to cause the turnout of African-Americans to go down. It's going to be suppressed. Their experts – I wished DOJ ought to ask for a refund because they were all wrong.

MR. POPPER: They didn't say it would go. They said it would crash. They said it would absolute crater.

MR. FITTON: And the one expert paid for by our tax dollars said that minorities weren't smart enough to figure out these rules. That's the attitude they had.

Dr. Richman, I want to get your point of view here on this because, obviously, the president was looking at your study the other day or a few weeks ago. So he's thinking, well, I want to do an investigation here. There's obviously going to be – I don't know what's going to happen. Is there going to be a commission, is there going to be an investigation through DHS and the Department of Justice, civil rights, but suggest to experts and citizens out there, what should they be looking for? What should they be looking at? Should they just do data analysis?

Should it be a prosecution oriented effort? What would you suggest they start doing in terms of where to look and how to proceed?

MR. RICHMAN: Well, so, there are a lot of different avenues one could pursue, and there are various efforts that are getting rolling in the private sector as well as this government investigation. So True to Vote, for example, is working on doing some interesting kinds of data merging to try to get a handle on these.

I think you have to go at it from multiple directions. We were talking before the panel about the kinds of data that the government collects as people naturalize. One of the questions asked is have you registered to vote? And it would be very interesting to get a sense of what that data looks like. It's data that the government's been collecting for many years.

There are various federal government databases which we can merge and that would get us a partial story, but there are two problems. One is databases always have some errors, so, you know, you need to do follow-up to try to ascertain whether any findings are the result of errors or not.

But, second, the databases don't have everybody in them. So, for example, if we're thinking about the non-citizen population, about half of that is legal adult, non-citizen population. About half is illegal. For the illegal half of that, a lot of people in that group aren't in the SAVE database. So if you do a merge, you're not going to find them.

So I think you need to try to triangulate across different data sets as part of the study and then use other kinds of resources as well in terms of trying to get a handle on this.

I think it is important to get a sense of magnitudes because, you know, there's no magic bullet in terms of trying to fix these problems either, I think. There are various things you can do to improve but one's never going to be able to push the level of fraud down to zero I suspect. It's a matter of finding potential actions one can take that, without seriously affecting the capacity of eligible voters to participate, have an effect of diminishing the opportunities for people of various kinds to commit fraud.

MR. FITTON: Either any three of you have any points as to what should be happening within the Trump administration in that regard?

MR. VON SPAKOVSKY: There's a whole series of actions that could be taken that would help. One, figure out what the problem is and actually start, the Justice Department, on the prosecutions. And I give you two quick examples. Bob mentioned the Pew Trust study which said that I think 2.8 billion individuals are registered in multiple states.

MR. FITTON: Million.

MR. VON SPAKOVSKY: Okay. They did the first half of the study. They didn't do the required second half of the study which is –

MS. MITCHELL: Some have even voted.

MR. VON SPAKOVSKY: How many of them voted in both states? We know it's happening. Famous incident, Wendy Rosen, former Democratic congressional candidate in Maryland a couple of years ago had to withdraw from the race when it was discovered that she had voted in Maryland and Florida the same time in several elections. So we know it's happening.

MR. FITTON: And the reaction from the media at the time was, isn't that funny?

MS. MITCHELL: Yes. That's true.

MR. VON SPAKOVSKY: But all that data needs to be looked at, and we need to look at the voter histories. Another great source of data would be in states and federal courts, individuals who decline jury duty because they're not U.S. citizens, most of those jury lists are taken from the voter registration rolls. Nothing's being done with that information. That information needs to be found, totaled up. Those people need to be removed from the voter rolls and investigated by the Justice Department for possible prosecution.

MR. FITTON: We have about a minute for you, Cleta.

MS. MITCHELL: Well, the federal statute requires jurisdictions to clean their rolls. And the federal government should – the Justice Department should enforce that. And they should run the national change of address, jurisdictions need to get into the habit of running the national change of address, NCOA, annually, at least annually. They should get the Social Security data on deaths, and they should make it a systematic clean-up and then prosecuting.

And also, this one thing, the Justice Department – I was in a meeting in 2008 in which the Justice Department said – official said we're going to start doing something which I'm sure they stopped immediately because the left wing groups in the room just went berserk, saying if we find an instance of voter fraud, we're only going to investigate it as a single incidence. We're not going to look for a pattern, but they said we're going to change that and we're going to start looking for patterns and to see if it's part of a scheme. And the left wing groups in the room said, that's outrageous. You can't do that.

So these are all things where we need to decide as a country we care about the election administration system that grew out of the progressive movement in the early part of the 20th century. Instead of dismantling it, we need to enhance it.

MR. FITTON: It doesn't mean a federal takeover.

MS. MITCHELL: No, not a federal takeover.

MR. FITTON: Bob, you have the last 35 seconds.

MR. POPPER: Just make it easy to use, the SAVE database and the green card database. Make it easier to run these things against state voter registration lists. Stop the fighting. Stop the restrictions. Stop making people sue in order to get this basic information.

MS. MITCHELL: And stop denying the existence of vote fraud. There is a massive vote fraud denier industry that need to be put to rest.

MR. FITTON: Well, what I love about this, and you should all know, that no matter what the Trump administration does or doesn't do – because they will never do enough, I guarantee you – we're going to be doing something. Hans, Cleta, Bob Popper, Jesse Richman, through his academic work, to expose and in the cases of our respective groups perhaps sue on behalf of the rule of law because this is an area of the law, those of you watching, that allows for citizen activism in ways that you normally don't have. You can figure out what your local jurisdiction is doing when it comes to cleaning up election rolls. It's available – the law's available to you there too.

Go to our website at JudicialWatch.org to find out more, Election Integrity, Heritage Foundation, Public Interest Legal Group, of course, our friends, as Dr. Richman mentioned, True to Vote does great work in that regard. So it's out there for you and you should take your own action informed by your careful understanding of the law to figure out what your local officials are doing to make sure that your elections are clean and fair. So the voter fraud crisis is real, as you can see, and we're on top of it here at Judicial Watch with my colleagues.

On behalf of Bob Popper, Jesse Richman, Cleta Mitchell, and Hans Von Spakovsky, thank you for joining us this afternoon.

(END)