Specifying a Model of Political Infeasibility for
Voter Fraud in State Representative Elections

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Abstract

I present an analytical model that challenges the assumptions underlying recent legislative activism that has created what I describe as an excessive system of protection against voter fraud. The data set includes all 3,858 state representative contests in 38 states in the general election of 2006. Partisan control of state legislatures yields one of the most valued prizes in politics: the ability to re-district both the state legislature itself and the U.S. House of Representatives. This model shows that in order fraudulently to elect a single member of a state house of representatives there must be both an elaborate conspiracy and a deep trough of corruption. I argue that it is essentially impossible to create such a conspiracy or to manipulate such a thoroughly corrupt system in the dozens of precincts necessary to create a winning majority for a single house member.

Introduction

"Both Republicans and Democrats are corrupt. The motto of the Democratic Party is: 'Anything to get in.' The motto of the Republican Party is: 'Anything to stay in.'"

William Randolph Hearst, American Publisher, April, 1907

There are three plausible explanations for voter fraud in America: mischief, mistake and malice. Some persons may choose to impersonate a voter with some mischievous intent, never expecting to affect the outcome of the election. Others make the mistake that several thousand Florida voters seemed to have made when they intended to vote for Al Gore in the presidential contest of 2000 and voted instead for Pat Buchanan. The most serious instance of fraud would be the voter who would enter a conspiracy with others to upset the ordinary democratic order by systematically denying a lawfully cast majority of votes to one candidate or by fraudulently delivering votes to other candidates not lawfully earned by normal processes. The mischievous fraud is a kind of petty crime against the democracy. I argue that the mistaken vote is the product of misinformed ignorance and not damaging to the system because these tend to be randomly distributed and not determinative of any election outcome. Malicious fraud represents a danger to the democracy, if implemented. Those who seek to create a fraudulent voting conspiracy risk failure, detection and criminal prosecution because such an enterprise must include many individuals to deliver enough votes to affect the outcome of the election

I hypothesize that perpetrating a successful fraud is so complex, absent corrupt collaboration with election officials, that it could not and, apparently, has not been achieved in any federal election through fraudulent registration and voting by unqualified voters in modern American history. Therefore, my argument continues, recent state legislation that seeks to impose stringent controls on voter identification, constitutes an impairment on the American democratic election process.

In the Spring, 2008 seminar I offered an upper division special topics course on Election Law and Regulation; seven students enrolled, all political science majors or minors. The students reviewed all state house elections in 2004 and in 2006 in our original sample of 10 states. Our first class session was the day after the Supreme Court heard oral arguments in the cases that animated the research. The Court did us the courtesy of issuing its written opinion essentially on the last class day of our semester.

Supreme Court and State Legislatures

On April 28, 2008 the Supreme Court of the United States announced its opinion in the case of Crawford, et al. v. Marion County Election Board, et al. (No. 07-21) and a companion case, Indiana Democratic Party, et al. v. Rokita, Secretary of State of Indiana, et al. By a margin of 6-3 the majority of the Court upheld an Indiana statute (SEA, 2005) that requires citizens voting in person to present government-issued identification cards. Justice Stevens wrote for the majority. Justice Souter and Justice Ginsburg joined in a lengthy dissent to the majority. Justice Breyer dissented separately.

On decision day, the Washington Post (Barnes, 2008) summarized the conflict in Crawford in these terms: "The Supreme Court ruled today that states may require voters to present photo identification before casting ballots, upholding a Republican-backed measure that proponents say combats voter fraud and opponents believe discourages voter participation." Among the states with some requirement for voter identification, Indiana's was the most restrictive at the time of the decision (Ibid).

The Help America Vote Act (Public Law 107-252) mandated that all states require identification from first-time voters who registered by mail and did not provide verified identification with their mailed application. (National Conference of State Legislatures, 2008). Shortly before the November, 2008 general election, the National Conference of State Legislatures posted on its web site a summary of which states had enacted statutes that had "broader voter identification requirements than what HAVA mandates" (Ibid) Appendix A summarizes that NCSL posting. However, this appendix does not detail the methods employed by each of the states or the status of those laws. Some had been toughened since enactment, others suspended or amended by litigation. The NCSL report provides that complete summary on its website.

This research does not set out to evaluate the direct effects of how these state laws may either impede democratic participation or protect from fraudulent patterns of voter impersonation. I do offer an analysis and a model that attempts to fill the void of evidence with a logical model. Proponents of restrictive voter identification laws have not established that voter impersonation fraud is now widespread. Theirs is a conditional argument in which they portray such abuses as potential assaults on the integrity of American elections.

One underlying oddity of the recent Supreme Court decision is that it stipulates that neither the petitioners nor the respondents created any empirical evidence in the record that showed that a single instance in person voter impersonation at a polling place has actually occurred in Indiana (Crawford, op. cit.). Nor did either side create a credible record that a single individual resident of Indiana had been denied the opportunity to cast a ballot in person because of the requirement to produce a photographic

identification card. This latter observation is true, in part, because 2008 would be the first election in which this Indiana law would be enforced.

A Brief Review of American Vote Fraud and Protections

The Constitution (Article I, § 4; Amendment X; inter alia.) provides roles for both the states and the central government in how American elections will be conducted. The history of election laws expands and contracts with events. In the period of Reconstruction, the Congress passed the Enforcement Acts (Donsanto and Simmons, 2007) and later repealed them in 1894. Civil rights legislation in the 1960s provided specific protections for voters from abuses by state election officials. The modern criminal federal statutes (42 U.S.C. §§ 1973i(c), 1973i(e), 1973gg-10) identify violations connected with false voter registration, multiple voting and fraudulent elections when federal candidates appear on the ballot (Ibid).

In May, 2007 the U.S. Department of Justice issued the 7th edition of its Federal Prosecution of Election Offenses (Donsanto, op. cit.). This 326-page volume follows the 6th edition, publish in 1995. The authors describe it as a handbook to guide U.S. Attorneys in prosecutions with a somewhat puzzlingly admonition. U.S. Attorneys and field offices of the Federal Bureau of Investigation may only conduct preliminary investigations into election fraud. However, consultation with the Public Integrity Section of the U.S. Department of Justice in Washington, D.C. is required before any such federal officials may file charges or present evidence to a grand jury. (Ibid, p 17 et seq.) A cynical view might be that such required consultation would be a useful tool to selectively enforce these offenses for full political advantage. A more generous view would be that these offenses are so inimical to the democracy that their prosecution should be centralized and coordinated to assure maximum enforcement effect. Donsanto and Simmons (Ibid, pp 2-5) describe these types of federal election crimes: election fraud; patronage crimes; campaign finance crimes and civil rights crimes.

The offenses described hereafter in this paper may be prosecuted under one or more of the sections of the Federal Code cited above, so long as a federal candidate is on the ballot. Fraudulent registration or voting, for example, may be prosecuted under the National Voter Registration Act (so-called Motor Voter, 42 U.S.C. §§ 1973gg-10) as a felony with a maximum term of imprisonment of five years. These offenses typically are also subject to jurisdiction of election laws in the states. However, both state and federal prosecutors have limited resources to conduct such investigations and to successfully prosecute such offenders.

There is an old aphorism that seems to fit: "The plural of anecdote is not data." There are periodic media reports and some from apparently authoritative organizations as well (von Spakovsky, 2008; Talley, 2007; and Langholz, 2008) that allege vote fraud, especially in false registration and voter impersonation. A recent and high profile case occurred in the 1997 Miami mayoral primary where vote fraud was alleged and

conspirators were convicted. (Minnite and Callahan, 2003) As a municipal election, those convictions were conducted under the laws of the state of Florida.

Another historic and often-cited case of voter impersonation and fraudulent registration (von Spakovsky, op. cit.) spanned the period 1968 through 1982 in Kings County, NY (Brooklyn). The grand jury in this case found evidence (NY Supreme Court, 1984) of fraudulent practices in two Congressional primary elections in 1976 and in 1982 as well as four primary elections in three state Assembly districts and three primary elections for State Senate and two elections for state (Democratic party) committee in two different districts. Among all of these elections with alleged illegal practices, the grand jury only found that the fraud affected the outcome of one election for a member to the state Democratic party committee. The Brooklyn irony is at the heart of this research paper: being successful at vote fraud is very, very difficult, even for those who allegedly engage regularly in this dark art. It is one thing to cheat; it is quite another matter to win by means of cheating.

Another body of evidence suggests that there are remarkably few convictions for such offenses and very few charges filed either at the state or federal level (EAC, 2007; Minnite and Callahan, 2003; Hershey, 2009; Davidson, 2009). It may be that there are few such documented criminal cases of elections stolen with fraudulent votes either because prosecutors are inattentive and ineffective or it may be that there are very few such instances.

The Search for a Prize Worth Stealing and A Research Approach

The question remains: how could conspirators engineer a successfully fraudulent election and what prize would be worth pursuing?   U.S. Senate contests involve millions of votes, depending on the size of the state. Elections for the U.S. House of Representatives typically involve hundreds of thousands of votes in general elections. Governors, mayors of big cities, constitutional officers of states and even state senate elections turn on thousands of votes. Stealing one of these elections necessarily would involve thousands of fraudulent voters. The best prize may be the most accessible one, in terms of votes cast in each election: seats in state houses of representatives.

Partisan control of state legislatures offers America's two political parties one of the grandest of all prizes: the ability to draw district lines for both the legislature and of the apportioned seats in the U.S. House of Representatives. Other executive offices, such as governor and attorney general are important, but as statewide elections, there are fewer opportunities to commit vote fraud successfully. Similarly, county and municipal elections usually involve more precincts and more total votes cast than those in state legislative districts. With fewer votes in a state legislative race, there is theoretically a higher likelihood that fraud could affect the outcome. For these two important reasons, I chose state house of representative district elections as our unit of analysis. Each of these states in our sample uses the single-member district format.

I chose the general election of 2006 for two reasons: first, all of the data were available when I began the project and second, as a non-presidential election year, it would offer data unaffected by the large national phenomena that often mask trends in "down ballot" races.

Hypotheses and the System of Categories

H₁ Most elections for seats in the state house of representatives cannot be stolen through voter fraud because they are unevenly competitive.

In order to test this hypothesis, I created four categories to analyze elections in state houses of representatives. I reasoned that these categories would enable us to estimate the likelihood of creating a successful fraud for state representative elections. The data in Table 1 below represent Indiana state house elections in 2006. Because Indiana has 100 seats in the House, the raw numbers also express the percentages. Indiana was part of our original sample, in part, because it was the state with the stringent voter identification law tested by the Supreme Court of the United States.

Table 1. Indiana House of Representative General Elections in 2006

Indiana State House General Elections in 2006	Democratic	Republican	Total	Estimated Likelihood Of Winning Through Fraud
Category 1: Uncontested	19	11	30	Impossible
Category 2: Incumbent in 2004 Elected with a Margin of =>10%	20	21	41	Very difficult
Category 3: Incumbent in 2004 Elected with a Margin of < 10%	12	6	18	Possible
Category 4: Open Seat in 2006	4	7	11	Best chance
TOTAL	**55**	**45**	**100**	

The sum of categories 1 and 2 for Indiana is 71 seats. These, I suggest, would be impossible or difficult to steal through voter fraud. Our analysis included a comparison of the names of the candidates between 2004 and 2006 so that we could validate whether incumbents were defending their seats and, also, whether the 2006 election was an open seat contest. This model proposes that only 29 seats would be vulnerable to theft by fraud. Stealing a seat from an incumbent whose margin was 7, 8 or 9 percent in 2004 (Category 3) would probably be difficult, but conceivable. My analysis assumes that all candidates have average funding and similar qualifications and no scandals or advantages that might create a significant political imbalance.

Thirty seats in the Indiana House of Representatives were uncontested in 2006. Nineteen Democrats and 11 Republicans were elected without a challenge. There are several obvious explanations for this phenomenon. First, the districts might be drawn with such an overwhelming partisan advantage that no challenger could hope to succeed. Second, there might be an organic weakness in the ability of both state party organizations to recruit and fund candidates for these offices. Third, there might be a corrupt bargain between the party organizations to allow some seats on both sides to go without challenges for the sake of preserving resources. (See Future Research)

Our original sample was somewhat difficult to gather and manage, relying on a manual, item-by-item examination of hundreds of elections for two election cycles. The students calculated margins and compiled the data in the four categories. Later I acquired the data set from The Almanac of State Legislative Elections 3rd edition (Lilley et al., 2008). These data, in Excel™ format, enabled me to examine trends in all states for the 2006 legislative general elections. This data set, however, did not have the names of the candidates, so my system of categories shrank to three, since I could not identify which were open seat elections.

Despite the completeness of the Almanac data set, not all states fit into this analysis. I eliminated Nebraska because of its unicameral form. States that do not have single-member districts in their lower house also fell out of the sample. Those are: Arizona, Maryland, New Hampshire, New Jersey, North Dakota, South Dakota, Vermont, Washington and West Virginia. Essentially all of Louisiana's data was missing; it too was eliminated. Finally, Virginia held its election in 2005, thus it was not included because it fell out of the time frame of November, 2006. In Oklahoma only 48 of its 99 seats were elected in 2006. All of those data remained in the analysis, as did the partial data from Florida where 67 of the 120 seats were on the 2006 general election ballot.

The first finding from this larger data set of 38 states seems to validate my first hypothesis. In 2006 no voter impersonation fraud could have stolen these uncontested elections. Table 2 shows that 1,340 state house elections in 33 states were uncontested in 2006, a full 38% of the 3,464 seats in these states. Five other states (Hawaii, Oklahoma, Oregon, New York and Minnesota) had no uncontested winners.

Table 2. States with Uncontested Elections in 2006 for State Representative

State	Total Seats	Democrats	Republicans	TOTAL	% All State Representatives
GA	180	58	71	129	72%
SC	124	35	53	88	71%
MA	160	94	13	107	67%
WY	60	8	29	37	62%
AL	105	36	24	60	57%
MS	122	49	20	69	57%
KY	100	34	22	56	56%
NM	70	29	10	39	56%
NC	120	32	31	63	53%
IL	118	34	25	59	50%
RI	75	31	6	37	49%
AR	100	30	19	49	49%
TN	99	24	24	48	48%
ID	70	8	23	31	44%
DE	41	9	7	16	39%
WI	99	24	13	37	37%
IN	100	17	16	33	33%
PA	203	33	33	66	33%
KS	125	21	19	40	32%
MO	163	35	17	52	32%
AK	40	6	6	12	30%
NV	42	8	3	11	26%
TX	150	21	17	38	25%
FL*	67	5	10	15	22%
CT	151	17	15	32	21%
IA	100	11	10	21	21%
CO	65	11	2	13	20%
UT	75	1	11	12	16%
MT	100	11	4	15	15%
OH	99	4	6	10	10%
CA	80	4	0	4	5%
ME	151	4	0	4	3%
MI	110	2	0	2	2%
TOTAL	**3,464**	**746**	**559**	**1,305**	

* Florida, only 67 of 120 House seats were up for election in 2006

Considering these data in Table 2, a theorist might ask which holds the greatest potential danger to the vitality of a democratic republic: A democracy in which more than 700 state representatives of both parties in the first 10 states shown above are elected without an opponent or one in which a fraction of the electorate fails to produce a government issued identification card at the polling place?

Election margins of 10% or more are generally regarded as convincing. Table 3 shows that nearly 1,000 state representatives in some of America's most populous states crushed their opposition in the general election of 2006. In California, for example, the vote advantage for winners with more than 10% of the total vote ranged between 20,000 and 45,000. No voter impersonation fraud could override such margins. In the much smaller state of Maine such 10% and greater victories converted to 700 to 1,500 vote margins. One hundred fraudulent voters, each voting seven times in a single state house district would be needed to overcome even the narrowest margin.

Table 3. 2006 General Election Results Where Contested State Representative Seats Yielded the Winners Margins of 10% or more

State	Seats	Democrats	Republicans	Total	% All
CA	80	39	21	60	75%
MI	110	47	26	73	66%
OR	60	23	12	35	58%
CT	151	67	21	88	58%
UT	75	8	35	43	57%
OH	99	33	17	50	51%
MN	134	49	18	67	50%
MT	100	18	28	46	46%
IA	100	31	13	44	44%
PA	203	53	34	87	43%
NY	150	63	0	63	42%
CO	65	14	13	27	42%
ME	151	43	17	60	40%
IL	118	27	17	44	37%
KS	125	13	33	46	37%
MO	163	23	36	59	36%
IN	100	22	13	35	35%
TX	150	31	21	52	35%
TOTAL	**2,134**	**604**	**375**	**979**	

Table 3 is slightly truncated. It only reports those states where 35% or more of all the state house seats were carried by margins of 10% or more in 2006. See Appendix B for all values in Category 2. The data from category 1 and 2 account for 71% (2,756) of all 3,858 state house seats elected in the sample of 38 states. This paper proposes, in a detailed plan that follows, that winning any of these elections cannot be achieved through voter impersonation fraud because of the sheer scale of vote margins to overcome.

Success in a fraudulent election will most likely depend on mobilizing such faux voters in political areas where a relatively small number of votes may change the result of an election. Category 3 in my analysis identifies such electoral contests.

H₂ Seats in the state house of representatives can best be stolen through voter fraud in districts where the margins of victory have historically been the most narrow.

Those seats in category 3 represent just 29% (1,102 seats) of all of the 3,858 seats in the 38 states in this sample. See Appendix C. More than one-half (58%) of all the seats in the New York Assembly fell into category 3 (margins of victory less than 10% in 2006). New York has a vigorous multi-party system that resulted in 35 plurality victories in 2006, most (27) of those were Republican wins. The New York Democrats shut out the Republicans in Category 2 victories with 63 wins by margins of greater than 10% while the Republicans had none of that scale. Those narrow Republican Category 3 victories fell generally in the range of 1,000 to 5,000 votes. It may be mathematically possible to steal such elections in New York, with a robust conspiracy, although Brooklyn Democrats failed to do so during nearly 15 years of trying.

Close elections may be subject to theft by vote fraud, if they are known in advance to likely be separated by a few hundred votes. That is a mighty and apparently unsupportable assumption as I show later in my attempt to target Kansas districts to steal. Winning by corrupt voting depends on manipulating narrow margins. This starts at the level of precincts.

Precincts are the smallest political units in America. County election officers and executives (commissioners) establish the boundaries of precincts, usually including equivalent numbers of registered voters. These tend to be rather constant over long timeframes, changing only when demography demands because of population growth or decline in areas within counties. Many counties aggregate precincts into larger bundles, such as wards or townships. Using the state of Kansas as an example (Chart 1, below)), there are 3,777 precincts included in the 125 state representative districts (Galligan, 2008). The mean number of precincts is 30; the median is 24 per district.

Chart 1. Number of Precincts in Kansas State House districts

Precincts per District in
Kansas House of Representatives
after 2002 redistricting
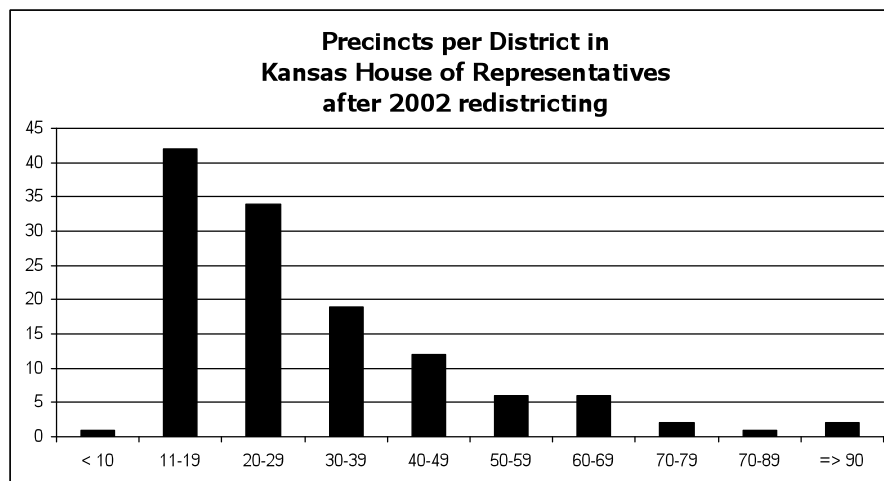
In order to validate hypothesis 2, I must find a set of narrowly contested state house districts with as few precincts as possible, so that a successful fraud might achieve victories in those districts. I have chosen Kansas because it does not have an onerous identification card requirement and because of my familiarity with its political dynamics.

Targeting the Kansas State House Districts for the Fraud:
A logical proof and a predictive challenge

One would assume that it would be rather straightforward to choose which districts should be targeted for the 2010 fraud. There are many factors that create close elections, only a few of which are predictable. The thirteen state house districts shown in Table 4. below are those that Kansas Republicans won in 2006 by the narrowest of margins, ranging from less than 1% to only 3%.

Table 4. Comparing vulnerable GOP winners in 2006 with past outcomes

GOP winners in 2006			Same District in 2004			Same District in 2002		
District	Margin '06	% Win	Winner	Margin '04	% Win	Winner	Margin '02	% Win
91	373	3%	REP	2,505	14.0%	REP	670	5.0%
9	355	2%	REP	7,856	100.0%	REP	5,875	100.0%
23	190	2%	REP	565	3.0%	REP	299	3.0%
24	592	2%	REP	8,110	100.0%	REP	5,909	100.0%
39	427	2%	REP	10,900	100.0%	REP	6,717	100.0%
65	142	2%	REP	1,890	15.0%	REP	1,276	15.0%
54	237	1%	REP	3,081	14.0%	REP	464	3.0%
59	219	1%	REP	8,136	100.0%	REP	5,653	100.0%
69	156	1%	REP	33	< 1%	REP	5,185	100.0%
81	102	1%	REP	2,618	15.0%	REP	1,467	11.0%
114	133	1%	REP	1,206	6.0%	**DEM**	670	5.0%
72	34	< 1%	**DEM**	7,160	100.0%	**DEM**	463	3.0%
112	43	< 1%	REP	607	4.0%	REP	5,392	100.0%
9 of 13 victories by < 250 votes			**1 of 12 victories by < 250 votes**			**0 of 11 victories by < 250 votes**		

The 2006 results for these 13 districts show Republican vulnerabilities, since their victory margins were so narrow. However, examining these same 13 districts in the preceding 2004 election shows that only one, the 69th district, was very close, just 33 votes. In that year four of those were uncontested Republican victories and four others were 14-15% wins. Another four were in the range of 3-6%, but the vote margins in those Republican victories were between 565 and 1,206 votes. One of these potential targets in 2010 was an uncontested Democratic win that turned into a Republican win in 2006.

When appraising these districts as potential fraud targets in 2010, they seem less attractive in the off-year 2002 elections when none of the 11 Republican victories that year were by margins of less than 250 votes. The 2006 thirteen districts may be targets for the 2010 vote fraud, but the margins needed to win may be beyond the ability of the conspiracy to deliver. The process of targeting must be more complicated than a simple examination of raw votes and winning margins.

Further complicating this process of targeting in the 2010 elections, the Kansas Democrats must hold the narrow victories they achieved in 2008 and in 2006, presumably without the benefit of the fraudulent voters. It seems rather clear that a conspiracy should not be wasted in the defense of incumbent seats. Yet, in that 2006 election, there were five narrow victories for the Democratic candidates, each with a margin of less than 250 votes. The actual margins of victory in those five seats were: 3, 50, 159, 164 and 189 votes. Four of those wins came at the expense of Republican incumbents. The fifth was one that had previously been held by an uncontested Democrat whose 2006 defense victory margin was just 189 votes.

Therefore, it seems that identifying 20 house seats for fraud-induced Democratic victories in 2010 would probably be selected with an elaborate calculus that may include the following terms, each weighted, as appropriate.

1. An open seat without an incumbent Republican defender may be a very good target.
2. Some proxy indicator for Democratic voting tendencies, such as ballots cast for President Obama in November, 2008.
3. Districts with the lowest density of identified Republican voters, outnumbered by Democrats and Unaffiliated voters, those without a history of voting in primary elections where they are "branded" by Kansas election law with the party whose ballot they vote.
4. Districts with a past history of electing a Democratic member to the Kansas House of Representatives.
5. Districts with known, significant demographic changes, such as recent and large in-migration of likely Democratic voters, such as Latinos.
6. Districts in which the rivalry between conservative and moderate Republicans typically creates spirited and divisive primary election contests, especially for the State House seats.
7. Districts in which Republican incumbents are known or suspected weak candidates without ample measures of achievement, charisma or financing.
8. Districts in which a popular Democratic personality, such as a successful mayor or seasoned and highly visible public figure, may be available to make the race for the State House.

If a conspiracy is to succeed, it depends on the very difficult proposition that the leadership team will choose 20 districts where the margins will be narrow enough to be

subject to winning through this rather limited infusion of fraudulent votes. Assuming an average, yet ambitious plan, of each faux voter casting 12 ballots in this election, the 500 enlisted voters will only yield 6,000 votes, spread into 20 districts at an average of 300 votes per district.

Furthermore, even well designed voter preference polls would not help in this targeting, because the fraudulent voters must be registered into certain precincts and legislative districts. They cannot be mobilized late in the process, after the registration deadline, into areas that seem competitive only late in the campaign. Additionally, such preference polls are expensive tools that would drive the cost of the conspiracy much higher, even if reliable pollsters were available.

This analysis calls the fraud infeasible, in large part, because of the near impossibility to identify 20 districts where such few votes will create winning margins for the conspiracy. Close elections are apparent in a post election analysis, but rarely so evident in advance. Nonetheless, what follows is my proposed plan for this fraud, assuming that Hypothesis 2 can be satisfied.

**The Plan for Creating a New Democratic Majority in the
Kansas House of Representatives in the General Election of November, 2010
through Fraudulent Voter Registration and Illegal Voter Impersonation**

Overview

In the general election of November, 2008, the Republican Party held its majority in the Kansas House of Representatives. The legislators sworn in January, 2009 were 77 Republicans in number and only 48 elected in the Democratic Party. That is a 15-member margin for the Republicans (62% Republicans and 38% Democrats). The Kansas House of Representatives consists of 125 members. A simple majority is 63 members.

This section is part of a paper that posits the political infeasibility of voter fraud in state representative elections. The purpose of this part is to outline the details of the fraud that would be necessary to restore Democrats to the political majority in the Kansas House of Representatives. Obviously, there are many ways for the Democratic Party in Kansas to achieve this goal legally, with the consent of Kansas voters. This paper is not a call to action that proposes vote fraud. Rather, the author seeks to demonstrate the practical impossibility of successfully creating, executing and achieving a complicated fraud with a politically vital purpose, i.e. placing the minority party into majority control of a state house of representatives.

The Kansas legislature is as good an example as a researcher might choose. The Kansas legislative districts, as in most states, are drawn by the political majority with an eye toward preservation of their political species, i.e. Republican partisans. The

historic norm has been to re-draw district lines after the national decennial census and reapportionment of the U.S. House of Representatives. This model of fraud ripens at just the right time (November, 2010) so that Democrats might restore district lines that would favor their election for the ten years that follow. A central theme of this paper is that every vote fraud ought to have a valuable goal. One would not reasonably risk imprisonment after conviction for vote fraud for immaterial aims. In the larger political scheme winning one state representative election might be satisfying, but if that purloined victory only changes the partisanship of one vote out of 125 in a legislative body, the political gain is very slight.

Reversing the political polarity of the Kansas House of Representatives would be a major achievement, whether lawfully or fraudulently attained. This model outlines a plan for conspirators who seek Democratic victories. This paper assumes that neither Democrats nor Republicans are more organically inclined toward fraud than the other. The political identity of the present majority in the Kansas House is merely a fact.

Assumptions and Conditions Precedent to the Conspiracy

This model for massive vote fraud depends on a set of assumptions and conditions precedent. The fraud outline that follows makes brief citation of some of these. A further exposition of these assumptions and conditions will contribute context to the fraud model.

1. **The goal is worth having.** The majority party has all of the natural advantages of winning roll call votes, appointing chairmen and members to committees and drawing district lines that favor their own. Also, these victories may advance party aims in electing more constitutional officers or in creating a stronger partnership with a governor of the same party.

2. **The goal cannot be achieved through lawful means.** Kansas Democrats have recruited candidates, financed state House campaigns and failed to gain the majority they seek. The party preferences of voters are not likely to change spontaneously or even because of persuasive campaign appeals. Politically rigid district lines defend Republican legislators and frustrate Democratic victories.

3. **Incumbent Democratic Party leadership would neither approve nor perpetrate such fraud.** Political party leaders have long-term investments in their careers. They are unlikely to choose directly such unlawful options because if their roles were detected, their careers would probably end ignominiously. Additionally, discovery of criminality would inevitably hurt other Democrats now holding or soon seeking higher office.

4. **Plausible deniability is possible.** Party leaders and the actual candidate-beneficiaries should be insulated from knowledge about or participation in the fraud

plan. If this can be achieved, then their political futures can survive fraudulent election or disclosure of the fraud plan. If it is impossible to create and maintain such a firewall of ignorance and isolation, then a cohort of future political officeholders will be tainted and discharged from the political system.

5. **The corps of the conspiracy will be discreet**. When one person holds a secret, it may remain unknown to others. When two or more persons know such forbidden facts, the chances for preserving the secret diminish. The more numerous the cognoscenti, the more certain that the conspiracy will be uncovered. This fraud depends necessarily on recruitment and mobilization of hundreds of persons. The risk of discovery will be profound, even if each fraudulent voter is uninformed of the architects and principal builders of the fraud. Prosecutors historically unravel conspiracies by working their way up the chain of culpability through plea bargains with low-level operatives.

6. **The conspirators target the proper districts to perpetrate the fraud.** As this paper asserts elsewhere, the research appeal of state house district contests is their relatively small number of precincts and votes cast. In order to achieve a net gain of 15 seats in the Kansas House of Representatives, the conspirators must choose their targeted legislative districts very, very carefully. They will not want to choose a district they might win with a lawful, effective campaign. They want to select a district with high predictability in its voting patterns and turnout. The conspirators should also choose districts where the fewest fraudulent votes will have the biggest impact on the outcome: choose a district where 400 votes will bring victory; avoid those that would require 4,000 or more votes. These districts, to the extent possible, should also be geographically manageable. Many districts include several counties with small populations and distances measured in one hundred or more miles within the district borders. Fraud in those districts would be more difficult to execute successfully.

7. **The conspirators have the requisite skills to succeed.** This criminal enterprise requires extraordinarily sophisticated knowledge about election laws, political geography and processes and logistics sufficient to succeed. Any fool with a mask, a gun and a getaway plan can rob a convenience store, but this vote crime will be much more complicated than a midnight stickup. The team at the top of the conspiracy would likely require a group of persons with differentiated talents that are complementary. The conspiracy requires the creation of false identities, the production of fraudulent documents, the training of the faux voters, the supervision and transportation and payment of the corps of crooked voters and the maintenance of a reporting and communications system that will be encoded and protected.

8. **The conspirators are motivated to succeed.** Assuming, as this paper does, that the direct beneficiaries (minority political party or the candidates elected

through the fraud) have not engineered or approved the plan, there must be someone who wants this plan to succeed. The list of capable suspects to perpetrate the fraud is rather short. Raw political operatives who run campaigns often make lots of money with risk only to their reputation for winning, rather than the threat of imprisonment. Unethical operatives might take work for hire, but they would not likely initiate the conspiracy. One or more interest groups might combine to create the conspiracy, but the risks are probably too great, especially considering that the goal depends on success in multiple simultaneous events. A political vendetta might explain the motivation of the chief conspirator. A person with "nothing to lose" might create a conspiracy of this sort. However, in a late or post career phase of life, this person probably failed in elections or other public events, thus rendering him unlikely to be successful in a complicated, hidden scheme. The candidates are few for conspirator-in-charge.
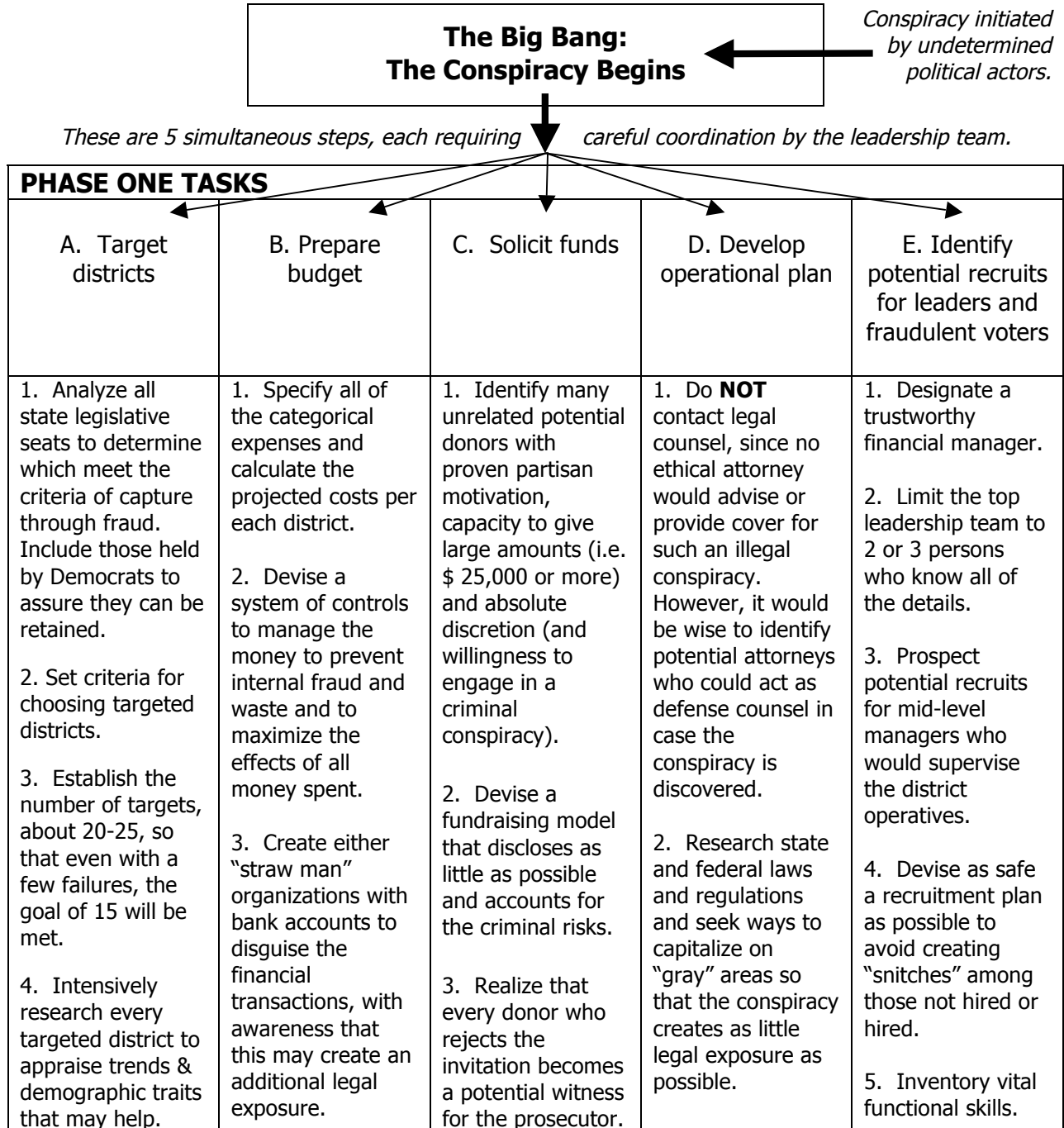
9. **There are resources available to underwrite the fraud.** This is a very, very big problem for potential conspirators. During political seasons money becomes committed early and is usually scarce throughout. In order to finance this fraud, conservative estimates range from $ 500,000 to $ 2,000,000. Even with mediocre state campaign finance laws, it would be impossible to hide such expenditures in lawful campaign spending. Therefore, the entire revenue and expenditures would have to be hidden. Except for funds from illegal enterprises, the author cannot identify donors who could create this large flood of money. To maintain the security of the conspiracy it would be best to have a few donors with large amounts. That condition makes the funding doubly difficult. Another resource with obvious impact is time. The duration required for a successful conspiracy and the synchronized execution of dozens of steps complicate this fraud. The author acknowledges, but does not further describe the significant impact of this scarce resource.

10. **The conspiracy would evade discovery by the media, law enforcement and political opponents.** This is an era in which whispers and malapropisms become headline news in minutes. All of these actors (media, law enforcement and political opponents) tend to be attentive to activities that are out of the norm. Nonetheless, the conspirators actually have a slight advantage in this circumstance. State legislative electoral contests rarely attract much media attention. Nor, would law enforcement ever imagine that someone would be so bold as to attempt to win 15-20 state legislative seats on a single day. Yet, if the conspiracy were discovered after the election, the candidate-beneficiaries would likely be denied their seats in the Kansas House of Representatives. Therefore, the temporary advantage for the conspirators would dissolve disastrously after the fact.

The Details of the Conspiracy

The outline that follows attempts to identify the milestones and critical path that the conspirators would take to create a new political majority in the Kansas House of Representatives. The foregoing section obviates the need for rationale expressed at each step below. Yet, at some points, the author adds observations that emphasize the criticality of the assumptions and conditions precedent. And, in other places, the author offers commentary related to the feasibility of the individual step on the path.

```
┌─────────────────────────────────┐
│         The Big Bang:           │   ◄──   Conspiracy initiated
│      The Conspiracy Begins      │         by undetermined
└─────────────────────────────────┘         political actors.
```

These are 5 simultaneous steps, each requiring ▼ *careful coordination by the leadership team.*

PHASE ONE TASKS

A. Target districts	B. Prepare budget	C. Solicit funds	D. Develop operational plan	E. Identify potential recruits for leaders and fraudulent voters
1. Analyze all state legislative seats to determine which meet the criteria of capture through fraud. Include those held by Democrats to assure they can be retained. 2. Set criteria for choosing targeted districts. 3. Establish the number of targets, about 20-25, so that even with a few failures, the goal of 15 will be met. 4. Intensively research every targeted district to appraise trends & demographic traits that may help.	1. Specify all of the categorical expenses and calculate the projected costs per each district. 2. Devise a system of controls to manage the money to prevent internal fraud and waste and to maximize the effects of all money spent. 3. Create either "straw man" organizations with bank accounts to disguise the financial transactions, with awareness that this may create an additional legal exposure.	1. Identify many unrelated potential donors with proven partisan motivation, capacity to give large amounts (i.e. $ 25,000 or more) and absolute discretion (and willingness to engage in a criminal conspiracy). 2. Devise a fundraising model that discloses as little as possible and accounts for the criminal risks. 3. Realize that every donor who rejects the invitation becomes a potential witness for the prosecutor.	1. Do **NOT** contact legal counsel, since no ethical attorney would advise or provide cover for such an illegal conspiracy. However, it would be wise to identify potential attorneys who could act as defense counsel in case the conspiracy is discovered. 2. Research state and federal laws and regulations and seek ways to capitalize on "gray" areas so that the conspiracy creates as little legal exposure as possible.	1. Designate a trustworthy financial manager. 2. Limit the top leadership team to 2 or 3 persons who know all of the details. 3. Prospect potential recruits for mid-level managers who would supervise the district operatives. 4. Devise as safe a recruitment plan as possible to avoid creating "snitches" among those not hired or hired. 5. Inventory vital functional skills.

PHASE ONE TASKS (continued)				
A. Target districts	B. Prepare budget	C. Solicit funds	D. Develop operational plan	E. Identify potential recruits for leaders and fraudulent voters
5. Create a data base, secure web site or other electronic means to transmit and report information. 6. Secure computerized maps of districts and precincts and specify needed vote counts in every precinct in the targeted districts. 7. Secure official computer file of registered voters. 8. Develop likely addresses for fraudulent voters, such as high density apartments or college campuses. 9. Select targeted precincts with reasonable proximity to each. 10. Assess historic and likely voter turnout efforts by regular party organizations and candidates to learn how their efforts might "provide cover" for the fraudulent voters.	4. Prepare contingent budgets in the event that fundraising falls short of idealized revenue. 5. Establish credit or payment terms with key vendors. 6. Identify alternative sources for key products and services, such as identification cards and other vital documents. 7. Conduct preliminary "market analysis" to calculate how much it will cost to secure the services of each fraudulent voter. That is to say: how little can you pay each person to engage in this conspiracy and to vote on election day multiple times as directed with the false identities provided. 8. Determine the best method for safeguarding the anticipated large flow of cash, i.e. safe or lock box.	4. This plan should not be launched until it is clear that donations will yield sufficient funds to execute all phases of the plan. Therefore, at the earliest possible moment, donations should be solicited and received. The launch should probably occur when about one-half of the budgeted funds are in hand and the balance is relatively assured. The time frame for this is critical because of the time that will be needed for all other steps in the plan. 5. Ask & receive. 6. Identify "crisis donors" with the capacity to give a second time or to give for the first time late in the plan, in the event that cash falls short after implementation has begun. 7. Ask again.	3. Create a management security system to maintain a firewall among the highest levels of the conspiracy and among district team leaders. They should not know each other. The "middle management" layer should operate on a "need to know basis" only. 4. Create a complex and dense firewall between the conspirators and the candidates and the Party so that they will have plausible deniability in case the conspiracy is uncovered. 5. Develop a top management team model that is strategically and tactically sound, with sufficient skills so they will not have to seek outside help after the plan begins. 6. Mobilize a communications network & test it.	6. All hires should be of two types: either highly skilled (those who can make false identification cards and other such tasks) or low skilled (those who are willing to follow directions and register and vote fraudulently in the precincts targeted. 7. The district operatives should have energy, a lack of curiosity and a willingness to follow orders. 8. Avoid hires of persons with criminal arrests or convictions, misdemeanor or felony. 9. It might be easier to hire bands of persons, i.e. college roommates, but the conspiracy is less likely to break apart if the fraudulent voters are strangers each to the other. 10. Promise full payment only after all voting is done.

PHASE TWO TASKS: MOBILIZATION

Phase Two begins with the presumption that all of the following are accomplished:
1. *The top management team is in place.*
2. *The middle level management team is in place, trained and committed.*
3. *The fundraising is sufficient to finance all phases of the conspiracy.*
4. *All safeguards against discovery have been set reliably in place.*
5. *The budget and money disbursement system is intact, tested and well managed.*
6. *The House districts and targeted precincts have been well chosen.*
7. *Key vendors are committed and available as needed.*
8. *The data system is reliable and secure.*
9. *The communications systems are reliable and secure.*
10. *There appears to be a sufficient reservoir from which to recruit the necessary fraudulent voters.*

Budgeting and fundraising activities continue in the background, supporting the conspiracy.
Steps related to these categories now appear in the Operations heading.

A. Program Operations	B. The Political Environment
1. It may be possible for each fraudulent voter to achieve 5 to 10 false registrations and to vote as many times on election day, especially if advance voting can be used without mailing applications to addresses that will be false. The team needs to calculate the exact goal to minimize the number of voters required. Fewer fraudulent voters costs less money and will reduce the likelihood of leaks.	1. The conspirators will have no direct control over this vital fact: every Democratic House candidate in the targeted districts must be credible and run campaigns of sufficient intensity that a victory is plausible. If one gets arrested for driving under the influence of alcohol, her legitimate voters will probably not materialize and the fraudulent voters will not be enough to make up the difference.
2. Management will probably not give any specific briefing to the voters on the criminal consequences of their actions, although since federal candidates will be on the ballot, federal charges are possible, if the U.S. attorney gets involved in prosecution. In all things, the less the voters know, the better.	2. On the other hand, if the Republican opponent implodes, the fraud effort may not be needed in such numbers as planned. Therefore, it may be well to "double register" fraudulent voters in neighboring districts and precincts so that they can be re-directed, as the contests evolve.
3. The ratio of fraudulent votes cast to anticipated legitimate votes for the Democratic candidates must be very carefully determined for each district and every precinct and the plan must allow for a late day surge of fraudulent voters in areas where the Republican turnout seems high.	3. This would be tempting, but it must be avoided. Top and middle level conspirators must NOT lead a double life, working legitimately in other political campaigns at the same time as they are leading this conspiracy. It will dilute their energies and it may cost bona fide elections that are not tainted.
4. The fraudulent voters must be well trained to pull the right false identification cards from their pockets in the right polling place. A stupid mistake here could spoil the entire plan. Drill. Drill. Drill.	4. Fraudulent voters must have rudimentary political knowledge about the candidates on the ballot and the precincts in which they will be voting.
5. The fraudulent documents must be of the highest quality. This is absolutely vital. The names, addresses and identities must be carefully crafted. Hairstyles and clothing and appearances of the fraudulent voters should not be the same on each of their false identification documents.	5. Extra fraudulent votes will not seem untoward if the county election official has not systematically purged the registration records because of the rules in the Help American Vote Act. These counties are relatively ideal for this fraud, because the turnout will never come really close to 90%.

PHASE TWO TASKS: MOBILIZATION (continued)	
A. Program Operations	B. The Political Environment
6. The fraudulent voters must be diverse: by gender, age, race and every other dimension so as to avoid easy detection by alert authorities. They also must be matched to the demography of the district and precincts.	6. The fraudulent voters should vote for all or nearly all offices every time they vote. If they do not, they will create a suspicious pattern of ballots on which only Democratic state house candidates are marked.
7. The fraudulent voters must have somewhat randomized schedules for casting their votes, but always at times when the lines are the longest and the elections judges are likely most distracted by the lawful voters.	7. The leadership team must monitor the progress of all races so that, if necessary by turns of political conditions, they may cancel the operation in selected precincts or even in entire districts if necessary.
8. The fraudulent voters must ABSOLUTELY NOT know how many districts have been targeted, which districts are targets or what is the eventual goal of the plan. They must have plausible deniability so that the conspiracy does not unravel if one or several of them are apprehended.	8. The leadership team must resist the temptation to intervene in the public and lawful phase of the campaign. They must have no direct or indirect contacts on fundraising, opposition research, get out the vote strategies or any other phase of the campaigns of the candidate-beneficiaries.
9. The fraudulent voters must get their own transportation to the polls on election day. It would attract attention and arouse suspicion if rented mini-vans unloaded voters at regular intervals during the day. Someone would notice.	9. The leadership team must be completely aware of any involvement by interest groups that may affect individual district campaigns. These might include unions, such as teachers' groups or industry associations that might create an uneven balance in the house campaign in a single or in several districts.

PHASE THREE TASKS: IMPLEMENTATION *At this point all phases have blended into pure operations: getting tasks accomplished as planned, although, again fundraising and money management will continue in the background until the last voter is paid and the last faux vote cast on election day. The time line is critical in this last phase, so a column appears that counts down to Election Day (E-Day).*

Time: Either Days left until the Election or Hours on Election Day.	**Tasks to Perform and Considerations in their Implementation**
E-Day – 35	1. Final recruitment of voters should be complete within the next 10 days including their training and credentialing and registration in high priority districts and precincts.
E-Day – 30	2. Make final appraisal of targeted districts and precincts to develop final calculation of manpower (voters) required. The goal is a net gain of 15, holding all incumbent seats.
E-Day – 25	3. Final, final recruitment of the last of the voters, including a few extra in every precinct to account for absence or unreliability.
E-Day – 35-20	4. Issue faux credentials and precinct voting assignments to the last of the recruits.
E-Day – 20	5. Begin advanced voting in precincts where possible, by voting at the election office.
E-Day – 18	6. Review logistics of getting all voters to all precincts within time frames allotted.
E-Day – 16	7. Review final roster of all voters, since registration closes in 2 days, making adjustments as necessary.
E-Day – 14	8. Voter Registration Closes: All voters must be enrolled in all targeted precincts.
E-Day – 13	9. Calculate final payroll requirement to pay on election day.

Time: Either Days left until the Election or Hours on Election Day.	Tasks to Perform and Considerations in their Implementation
E-Day – 12	Complete and submit final batch of advanced voting applications for a fraction of all the fraudulent votes intended for delivery. This may be difficult if the given addresses for the fraudulent voters are impossible delivery addresses. But, if they give the addresses of relatives or other confederates, then it may work.
E-Day – 11	Final tracking and routing of the polling places where the faux voters will be casting their ballots. This work will seal the expected vote count and will also include the planning for the last minute delivery of extra voters should the count of legitimate voters exceed expectations. These addresses and routes should be customized for every fraudulent voter as his or her shopping list for the day, including times during which they should vote in every indicated precinct. This should not be left to chance or to their choice.
E-Day – 10	A final plan for coordination and communication should be set and tested: cell phones, walkie-talkies, computers, transportation planning, reporting systems, contingency plans and the like. This will involve the entire leadership team.
E-Day – 9	A final accounting should be prepared for the cash that will be needed on Election Day for paying the voters, the leadership and their expenses. Arrangements should be finalized with the treasurer to make cash disbursements to the leaders on E-Day – 1.
E-Day – 8	The leadership team should meet to assess the feasibility of the overall plan. If incumbent Democrats are faring poorly or have abandoned their races or if a Republican tide is developing, then the theft of 15-20 House seats will not be sufficient to achieve a majority. This is the last possible moment to abandon the project altogether. This decision must be made consciously and carefully.
E-Day – 7	During this day and the next three days, the leadership team must inventory every single fraudulent voter and judge whether he or she will perform as planned and expected on Election Day. It will be unacceptable to fail because 5 or 10 voters in one district reneged on their bargain. Discipline and drilling are vital at this time.
E-Day – 6	The leadership team must review the published and otherwise available reports about election integrity efforts by county attorneys, U.S. attorneys, local police, local authorities of every type and the media. The team must be aware of the presence and, to the extent possible, the identities of such election monitors and their likely paths of activity and the training they have had. Avoiding detection depends on knowing this.
E-Day – 5	The leadership team must hold one, final contingency planning meeting to cover every possible twist of fate: including arrest; interference by local party officials or candidate representatives; inclement weather; voting machine failures; or any other development.
E-Day – 4	The leadership team will deliver to each faux voter his or her itinerary for Election Day. These should be coded and safely discarded, so as not to create concrete evidence if the conspiracy is discovered. The announcement (orally, not in writing) will also tell each voter-conspirator the location and time of the final payment for services rendered.
E-Day – 3	The leadership team will meet and divide the cash for disbursement on Election Day. This is the last time the team will meet together as a group. Their disbursement, by the designated captain, will occur on E-Day + 1 to be sure that each has discharged all duties assigned and without failure. There will be cash incentives or penalties for failure to perform as bargained.
E-Day – 2	All of the leadership team will again drive the routes assigned to their voters and assess any barriers. Each will also call all voters to build excitement about their work to come.

Time: Either Days left until the Election or Hours on Election Day.	Tasks to Perform and Considerations in their Implementation
E-Day – 1	This is the final day for mobilization calls to voters and problem-solving or dispatching extra voters to critical precincts. This is the time to charge cell phones, pack extra batteries, check computers and set the cash in envelopes with encoded names for each of the faux voters; secure the cash. The leadership team should also have a final report on all of the advanced ballots that were voted in every district possible.
E-Day Polls open + 1 hour	First call to team leaders from voters about early ballots cast: when, where and without complication, as planned.
E-Day Polls open + 3 hours	Second calls to team leaders from voters. First telephone or computer conference among leadership team, reporting incidents and progress. Include assessment of legitimate voter turnout as compared with anticipated turnout in every targeted precinct and state legislative district. The lower the turnout, the more valuable the ballots will be by the faux voters. This is a critical indicator all day long.
E-Day Polls open + 5 hours	Third calls to team leaders. They will pass along incident reports and begin to make adjustments to mobilize extra voters, as needed.
E-Day Polls open + 7 hours	Fourth calls to team leaders. The fraudulent voters should be nearly in place to cast their last two ballots for the day. If any precincts or districts must be abandoned, this will be the last hour for the top captain to decide on such a course and to order the mobilization of voters to other precincts where they are also credentialed, against such a contingency. Second telephone or computer conference with the leadership team.
E-Day Polls open + 9 hours	Fifth calls to team leaders. This will give the team captains their last opportunity to calculate whether every fraudulent ballot can be voted in the remaining hours. Drivers can be mobilized at this time to speed the falsely credentialed voters from place to place to complete their rounds.
E-Day One hour before polls close	Hour in which all voters call their final ballots and problems, if any, to the team leaders. These last minutes of mobilization, compared with voter turnout, may decide elections in selected districts. This is the last, critical hour of the project.
E-Day The Hour that Polls Close	Team leaders stand by to get full precinct-by-precinct, candidate-by-candidate total votes, preferably from the election judges on-site, but, if necessary, at the election office when the tally is posted.
E-Day Two hours after the polls close	Pay voters and return to leadership team meeting site for de-briefing.
E-Day Four hours after the polls close	The results should be known in most districts by this hour and projected from those not yet confirmed.
E-Day Plus One: The Day After	Team leaders report to designated locations for their cash payments.
E-Day Plus Two:	The highest circle of those who conceived and financed the fraud will discuss their achievements and then will disperse after having destroyed all paper and electronic records of the enterprise.

Summary and Conclusion of the Plan

Stealing 15-20 state representative races in a single general election through voter impersonation and fraud is a most ambitious enterprise. The author submits that such a conspiracy is infeasible. The level of detail outlined in the plan presented here is necessary, but probably not sufficient to achieve the goal. Failure is inevitable for many logical reasons: the funds would be far too difficult to raise; the likelihood of discovery is very high with so many persons involved; and the technical skills required are enormous, from targeting the selected seats and precincts to the production of false identities. Finally, it is implausible that one or a few persons could create and mobilize such a vast and successful conspiracy.

A Draft Budget for a Fraudulent Takeover of the Kansas House of Representatives by the minority party in the fall of 2010

Assumptions: Twenty contests for state representative would be targeted.
The modal number of precincts is 17 for each state representative district.
The goal is to win a net of 15 seats, while holding all incumbent positions.
All fraudulent voters, therefore, would be spread among 300-350 precincts.
Every fraudulent voter would vote a total of 12 times in person or in advance.
Depending on the historic margins in each state representative race,
the contribution of the fraudulent voters to each winning margin would only range between 300 and 500 votes.

Item	Number	Rate	Extension	Notes
Fraudulent voters	500	$ 400	$ 200,000	Each will vote 12 times.
Leadership captains	50	$ 2,500	$ 125,000	average 2 per district
Conspirators Circle	4	$ 10,000	$ 40,000	Highest level of leaders.
The Leader	1	$ 20,000	$ 20,000	
Transportation aides	80	$ 100	$ 8,000	includes gas expenses
Documents specialists	5	$ 2,500	$ 12,500	
ID Cameras, etc	4	$ 5,000	$ 20,000	
ID & document supplies	600	$ 10	$ 6,000	
Gasoline, meals, etc	500	$ 100	$ 50,000	
Phones & computers	55	$ 250	$ 13,750	rental or reimbursement
Printing (maps, etc)	600	$ 7	$ 4,200	
Bonus Pool for Performance			$ 25,000	
Miscellaneous gratuities	50	$ 250	$ 12,500	Paid to landlords, others who will assist in the conspiracy.
TOTAL			**$536,950**	

Conclusion and Summary

Who is protecting whom from what and at what costs to the democratic processes of our republic? I have attempted to counter arguments that prevailed in the Crawford case with data from the 2006 general elections for state representatives in 38 states and with a workable, although infeasible, model of an ambitious plan of voter fraud aimed at seizing control of the Kansas House of Representatives. The majority of the Supreme Court ratified arguments without empirical evidence. In the Crawford case and, apparently, in the deliberations of the Indiana legislature, there was not even a serious model of fraud or any evidence of recent elections that were upset by voter impersonation fraud. Rhetoric and sophistry seemed to have prevailed both in the Indiana capital and the Supreme Court chambers. If there is no effective, election-stealing fraud in Indiana, then why must voters be protected from phantoms that do not exist?

I agree that the Help American Vote Act created a mandate that states enact protections against fraud. Many states have already done so.   The insidious side of this phenomenon is that no one counts or observes those who choose not to vote because they are ill informed or anxious about not being able to meet some identification card requirement at the polling place. Some voters may stay home because they cannot find the receipt that the county election official sent them as a record of their registration, despite the fact that they do not need such evidence. No one keeps a record of those who do come to the polling place on election day and are turned away by confusion or misdirection by an election judge.

One man's plan to safeguard the polling booth is another's design to suppress voters who are unsophisticated. The evident and technologically feasible solution is to require a biometric federal identification card for everyone living in the United States. Only those without legal status would refuse to get such identification. Civil libertarians on the political left and right would probably shout down this proposal at first light.

I do concede that there are much simpler ways to affect a fraudulent election, including tampering with software or widespread voter suppression or corruption of high or lower level election officials, but I have restricted this analysis to voter impersonation. I believe that my research and analysis is persuasive of my general proposition because such an elaborate model for voter fraud has not previously been publicly produced or scrutinized for feasibility.

The public policy literature is rife with examples of laws and regulations adopted for partisan political effect, rather than a truthful conviction that the solution befits the problem. My paper advances, but cannot wholly complete the process of critique and debunking that the worst of these voter identification laws deserves. I hope that I have advanced this debate, at least a little, with my analysis and model.

Future Research

I always advise my students to be alert to what they might find on their way toward learning about something else altogether. Often I abide my own advice and I have done so in this project.

State house elections may serve as the canary in the coal mine to alert us to systemic weaknesses in state party organizations. As I argue above, the prize, stealing partisan control of one half of a state legislature, is certainly worth having, from a partisan point of view. These are some of the questions this study has raised in my mind.

1. What variables explain the extraordinary uncompetitive environment in some states, characterized by very high rates of uncontested state representative elections?
2. What variables explain the highly competitive political environment in other states where the majority of state house seats are vigorously challenged?
3. Do apparently uncompetitive states have truly weak political parties?
4. What are the historic (10-20 year) trends in competitiveness in state house elections?
5. To what extent do national political forces affect voter preferences in state house elections?
6. How many investigations by local and state prosecutors never ripen into criminal charges for vote fraud?   How many do go to trial and what have been the outcomes?
7. How many persons have truly been charged, tried and either acquitted or convicted of such charges by federal prosecutors?
8. Have federal prosecutors truly developed devious models to anticipate what various types of fraud might occur in the electoral process itself. These would include software manipulation, systematic rigging of electronic voting machines, corruption by entire panels of precinct election judges for a fraudulent purpose, voter suppression in it many forms, patterned disqualification of advance ballots to benefit specific candidates, training in subtle methods of fraudulent voting by candidate or political party committees for corrupt purposes, and a dozen other schemes intended to win elections.
9. Has anyone in the modern era ever tried the bold strategy I propose to steal an entire house of a state legislature?   If not, why not?
10. Finally, back to my central argument: If fraud, like errors in multiple regression models, is randomly distributed and there are no feasible means to steal an elected office through voter impersonation fraud; should states be compelled by the federal government to enlarge, not reduce the number of persons who vote in American elections?

I plan to explore and expand my inquiry in pursuit of the answers to these questions in the years to come.

Appendix A. State Requirements for Voter Identification (October, 2008)

| States that Request Photo Identification			States that Require Identification (photo not required)	
Florida	Georgia		Alabama	Alaska
Hawaii	Indiana		Arizona	Colorado
Louisiana	Michigan		Connecticut	Delaware
South Dakota			Kentucky	Missouri
			Montana	North Dakota
			Ohio	South Carolina
			Tennessee	Texas
			Virginia	Washington

Note: Appendix B appears on the following page, requiring the entire vertical space of the page.

Appendix B. Summary of State Representative Victories with margins => 10% in 2006

STATE	# REPS		DEM	REP	TOTAL	% ALL
CA	80		39	21	60	75%
HI	51		32	2	34	67%
MI	110		47	26	73	66%
OR	60		23	12	35	58%
CT	151		67	21	88	58%
UT	75		8	35	43	57%
OH	99		33	17	50	51%
MN	134		49	18	67	50%
MT	100		18	28	46	46%
IA	100		31	13	44	44%
PA	203		53	34	87	43%
NY	150		63	0	63	42%
CO	65		14	13	27	42%
ME	151		43	17	60	40%
IL	118		27	17	44	37%
KS	125		13	33	46	37%
MO	163		23	36	59	36%
IN	100		22	13	35	35%
TX	150		31	21	52	35%
TN	99		23	11	34	34%
NV	42		10	4	14	33%
FL	67		10	12	22	33%
DE	41		6	7	13	32%
ID	70		2	19	21	30%
AL	105		20	11	31	30%
MS	122		17	19	36	30%
RI	75		21	0	21	28%
AK	40		4	7	11	28%
OK	48		11	16	27	27%
WI	99		14	12	26	26%
NC	120		21	10	31	26%
MA	160		35	2	37	23%
WY	60		6	7	13	22%
SC	124		9	15	24	19%
KY	100		16	3	19	19%
GA	180		8	25	33	18%
NM	70		7	4	11	16%
AR	100		11	3	14	14%
TOTAL	3,907		887	564	1,451	

Appendix C. **Summary of State Representative Victories with margins < 10% in 2006**

STATE	# REPS		DEM	REP	TOTAL	% ALL
ME	151		42	43	85	56%
MN	134		36	31	67	50%
FL	67		8	22	30	45%
AK	40		7	10	17	43%
OR	60		8	17	25	42%
NV	42		9	8	17	40%
TX	150		17	43	60	40%
OH	99		9	30	39	39%
CO	65		14	11	25	38%
MT	100		20	18	38	38%
WI	99		9	27	36	36%
IA	100		12	23	35	35%
IN	100		12	20	32	32%
MO	163		13	39	52	32%
MI	110		9	26	35	32%
KS	125		13	26	39	31%
DE	41		3	9	12	29%
NM	70		6	14	20	29%
UT	75		11	9	20	27%
ID	70		9	9	18	26%
KY	100		11	14	25	25%
PA	203		17	33	50	25%
RI	75		10	7	17	23%
NC	120		15	11	26	22%
HI	51		7	4	11	22%
OK	48		7	14	21	21%
CT	151		21	10	31	21%
CA	80		5	11	16	20%
TN	99		7	10	17	17%
AR	100		14	3	17	17%
WY	60		3	7	10	17%
MS	122		9	8	17	14%
AL	105		6	8	14	13%
IL	118		5	10	15	13%
GA	180		7	11	18	10%
SC	124		7	5	12	10%
MA	160		11	4	15	9%
TOTAL	**3,757**		**429**	**605**	**1,034**	

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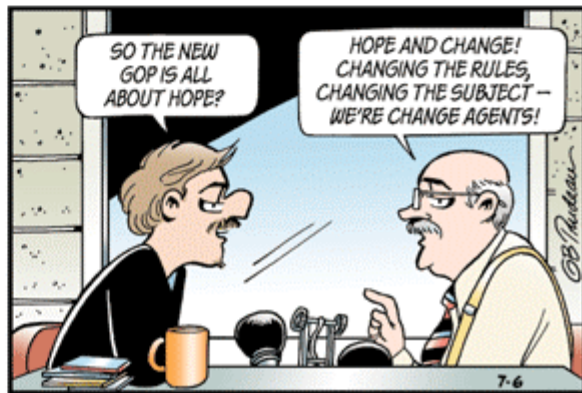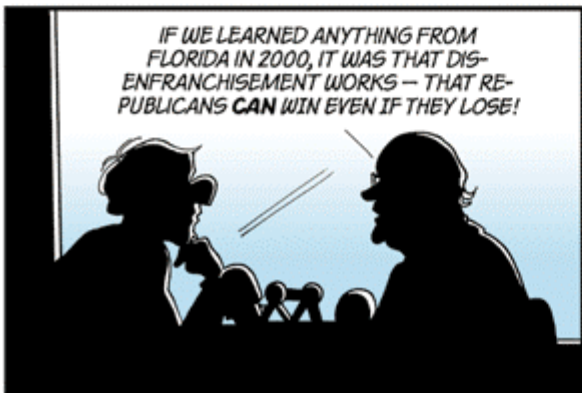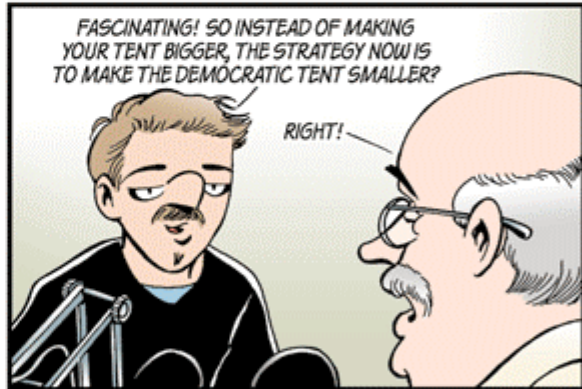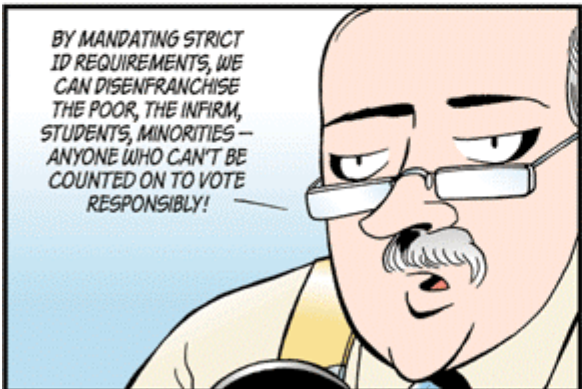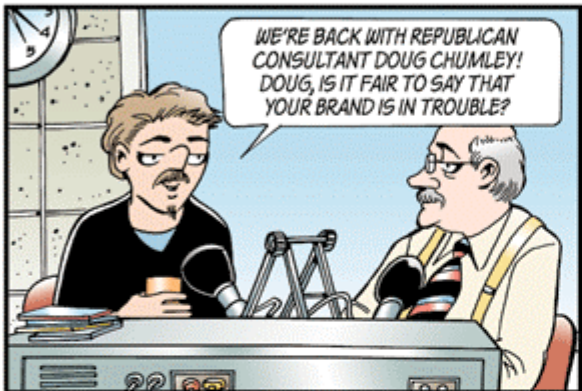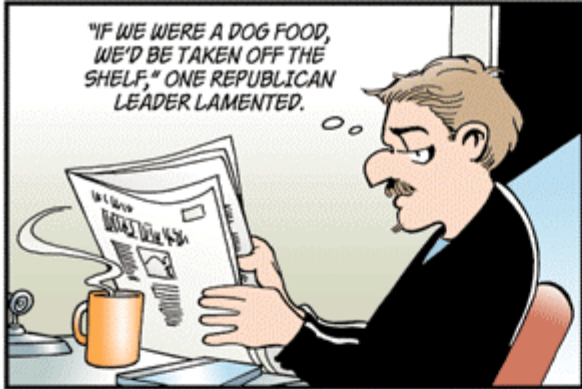
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