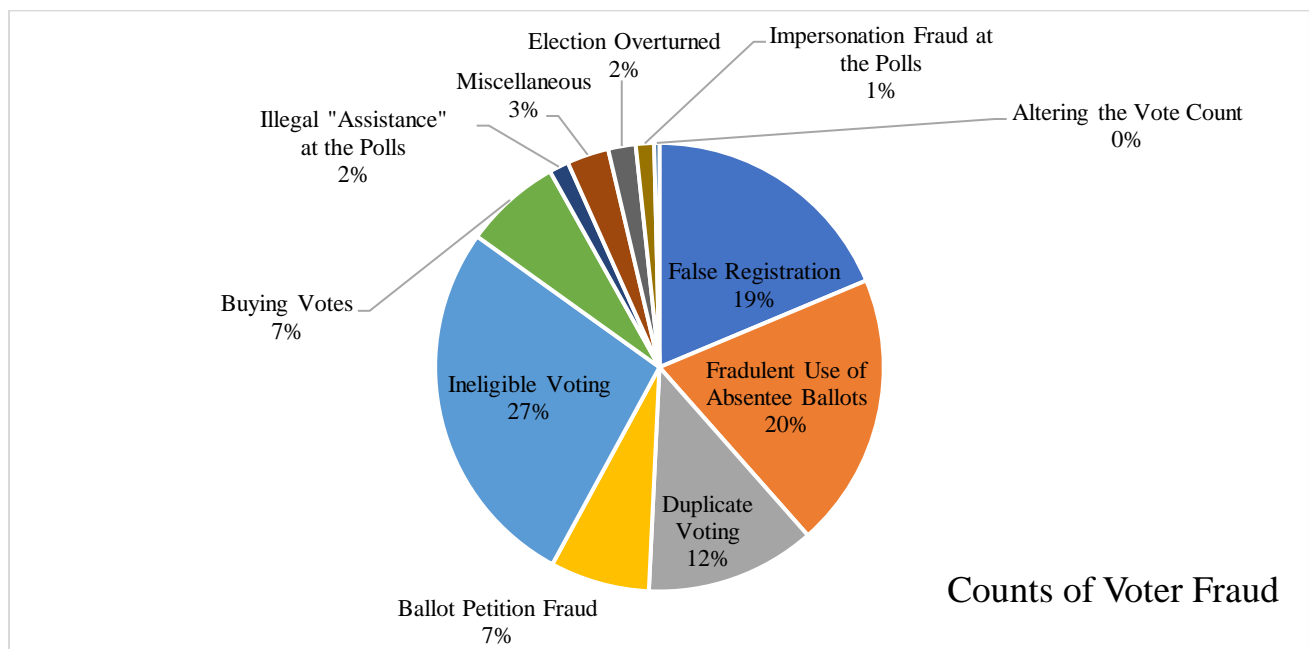


The notion of voter fraud is a challenge to combat for any progressive democracy, to include the United States. Politicians often make claim to rampant voter fraud, while academics often argue voter fraud is negligible. However, defining voter fraud can be complicated, as it is often “lump[ed] together with other activities that corrupt the electoral process” so that “the terms ‘voter fraud’ and ‘election fraud’ are used interchangeably.”<sup>1</sup> Lorraine Minnite, one of the leading scholars on the topic, defines voter fraud as “the intentional, deceitful corruption of the electoral process by voters. Intent to commit fraud is essential; it distinguishes fraud from error.”<sup>2</sup>

Even the government has challenges defining voter fraud. “In 2005, the U.S. Elections Assistance Commission commissioned a baseline study to make recommendations for defining *voting fraud* and *voter intimidation*. Their final report concluded that these terms were unwieldy because they were so widely applied as to encompass “almost any bad act” associated with an election.”<sup>3</sup> So how common is voter fraud in the United States?

The Heritage Foundation reveals in [their research](#) 1,285 proven cases of voter fraud since 1982. Of these cases, 1,121 fraudsters have been criminally convicted.<sup>4</sup> Yet, as stated before, defining voter fraud could mean a multitude of things. In the Heritage Foundations database, the three largest forms of voter fraud were: ineligible voting (286 cases), fraudulent use of absentee ballots (198 cases), and false registration (198 cases).



Data source: <https://www.heritage.org/voterfraud-print/search>

<sup>1</sup> Minnite, Lorraine C. "What Is Voter Fraud?" In *The Myth of Voter Fraud*, 19-36. Ithaca; London: Cornell University Press, 2010. Accessed September 29, 2020. <http://www.jstor.org/stable/10.7591/j.ctt7zgg1.5>.

<sup>2</sup> Ibid, 36.

<sup>3</sup> Ibid, 20.

<sup>4</sup> It is important to note that multiple types of voter fraud may be charged against one individual



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Voter fraud in vote-by-mail states is less than 0.00001%<sup>5</sup>, a worry for many due to COVID-19 impacting election day. In an article by the National Vote at Home Coalition (and cited by the *New York Times*), their research found that “In the 2016 presidential election, more than 33 million voters, roughly 1 in 4, cast their votes via mailed-out ballots, and [yet] even alleged instances of mailed-out ballot fraud, much less proven examples, were virtually nil.”<sup>6</sup> And, in Oregon, a state that has been using vote by mail statewide for twenty years, has “cast over 50 million ballots, [and] there [has] been only two fraud cases verifiable enough to result in convictions for mail-ballot fraud. That is 0.000004 percent.”<sup>7</sup>

Voter fraud, whatever the type, appears to be very minimal. Minnite’s [work and research](#) concluded that “almost no one knowingly and willfully casts an illegal vote in the United States today” and “[v]oter fraud is a politically constructed myth.”<sup>8</sup> The Brennan Center for Justice has compiled a [plethora of resources and citations](#) to support their individual claims that voter fraud is rare and almost nonexistent.

Still efforts need to be made to effectively combat potential fraud. So, what has the U.S. government done to protect against voter fraud?

Since the 2000s and the creation of the Help America Vote Act (“HAVA”), states have implemented voter identification laws. That being said, “Voter ID laws target only one form of voter fraud: in-person impersonation fraud. They cannot prevent fraud perpetrated through absentee (i.e., mail-in) ballots, as the casting of such ballots does not involve in-person interactions with an official.”<sup>9</sup>

There is a downfall to implementing voter ID laws in many states. Gilbert found that “787,000 otherwise eligible voters lack the identification required to comply with the state’s voter ID law”<sup>10</sup> in Texas. Similarly, voter identification access can come at a cost to the voter (an individual has to pay for a license or other forms of identification in most states). Many consider this barrier to access similar to the poll tax, which was Constitutionally prohibited in the 1960s.<sup>11</sup>

The National Voter Registration Act of 1993 and the Help America Vote Act of 2002 were both federal mandates attempted to, among other things, curb voter fraud. In 2008, the Supreme Court made the decision that Indiana photo ID laws were constitutional, setting a precedent that the state’s concerns of voter fraud outweighed the economic burden to the voter when obtaining a photo identification cards.<sup>12</sup> A continuing challenge for states is how to balance individual constitutional rights to vote and combating rhetoric from instance among voter fraud.

***If you are interested in learning further about election compliance, connect with the compliance experts at [TransTechSol.com](http://TransTechSol.com).***

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<sup>5</sup> <https://www.brennancenter.org/our-work/analysis-opinion/false-narrative-vote-mail-fraud>

<sup>6</sup> [https://docs.wixstatic.com/ugd/ef45f5\\_81a3affd554e4b5b9b5852f8fb3c10fd.pdf](https://docs.wixstatic.com/ugd/ef45f5_81a3affd554e4b5b9b5852f8fb3c10fd.pdf)

<sup>7</sup> <https://thehill.com/opinion/campaign/494189-lets-put-the-vote-by-mail-fraud-myth-to-rest>

<sup>8</sup> Gilbert, Michael D. (2015). The Problem with Voter Fraud. *Columbia Law Review*, 115(3), 745

<sup>9</sup> Ibid, 745.

<sup>10</sup> Ibid, 747.

<sup>11</sup> <https://www.crf-usa.org/bill-of-rights-in-action/bria-24-2-b-making-it-easier-to-vote-vs-guarding-against-election-fraud>

<sup>12</sup> Ibid.