



Association of Community Organizations for Reform Now

To: Allies and interested parties
From: Steve Kest, ACORN Executive Director
Date: December 8, 2008
Re: ACORN's Voter Registration Drive: Myths and Realities

ACORN's 2008 voter registration program was a tremendous success that contributed to a surge in voter turnout among young people, people of color, and low-income citizens, making the 2008 electorate more representative of America than in previous elections. (A study released Project Vote estimates votes cast by Americans of color in 2008 increased by 21 percent from 2004, based on a review of exit polling and preliminary administrative data.)

A strictly non-partisan effort, ACORN's 2008 voter registration drive worked to engage residents on issues that affected them directly, helping people complete voter registration forms when necessary. In the end, ACORN surpassed its goals by collecting and submitting more than 1.3 million voter registration forms from low income and minority communities. Based on past studies of voter registration drives and samples from our own work, we estimate that seventy percent (over 900,000) of these applications succeeded in keeping voters on or adding voters to the rolls: Hundreds of thousands of young, minority, and low-income citizens registered for the first time, while hundreds of thousands of other voters updated their voter registrations, allowing them to vote legally at their current address.

Unfortunately, just as we've seen in previous election cycles, the more success we have in empowering previously disenfranchised voters, the more attacks we have to fend off from partisan forces making unfounded accusations to disparage our work and help maintain the status quo of an unbalanced electorate. In 2008 ACORN faced attacks at a new level of ferocity; an intensively orchestrated campaign by partisan operatives generated extensive and often misinformed (or deliberately deceptive) media reports about massive potential "voter fraud." Fortunately, the courage of dedicated ACORN community leaders, determined new voters, and principled organizations and officials prevented partisan operatives from interfering with a record voter turnout.

Below, we have summarized and updated some of the information we have previously circulated about how ACORN conducted its historic voter registration drive, as well as the origins and consequences of the great "voter fraud" fraud of 2008.

The myth of "voter fraud"

The numerous partisan attacks on ACORN voter registration drives and the inflammatory media reports were all based on the same false and discredited premise: that a voter registration application that contains incorrect information represents an attempt, or at least an opportunity, for someone to commit "voter fraud," i.e. cast an improper ballot. As numerous studies and reports by responsible media have demonstrated, this is simply not the case.¹

Fraudulent voting itself is close to non-existent in the United States, and there has never been a single documented instance of a problematic voter registration form resulting in an improper vote. Even if someone wanted to influence the election this way, it would not work. Election officials have to verify

¹ One of the more comprehensive studies on the topic is "The Politics of Voter Fraud" by Barnard professor Lori Minnite. projectvote.org/fileadmin/ProjectVote/Publications/Politics_of_Voter_Fraud_

the identity of each registrant and, if somehow a person made it onto the rolls improperly, they would be a sitting duck to be nabbed and prosecuted as soon as they showed up to vote.

Fortunately, a great number of journalists, opinion leaders, and public figures saw these attacks for what they were: an attempt to justify challenging qualified voters at the polls in order to disenfranchise voters and create long lines in minority polling places, justify legislation to make it harder for people to register to vote, and to smear an opposing candidate. Numerous civic leaders and thoughtful journalists helped debunk the myth that “voter fraud” was underway and successfully defended the rights of all American citizens to lawfully register and vote.

How ACORN conducted its voter registration work

Across the county, thousands of ACORN canvassers spread out across high-foot-traffic areas in low-income communities. There, they engaged residents on issues that affect them directly, from wage increases to immigration reform, from education to affordable housing, helped them complete voter registration forms.

ACORN implemented the most sophisticated quality-control system in the voter engagement field. Every single application collected was examined by independent staff for completeness and tagged and bundled so we could tell which crew member who gathered it. Registrations were entered into a database by an outside vendor, and call centers made several attempts to call each and every registrant to verify information. Where we were able to do so, ACORN worked to “cure” incomplete registrations by contacting voters to get information about missing or inaccurate entries—such as county or zip-code information—that could get a registration rejected.

ACORN turned applications in to election officials in three stacks with separate, detailed cover sheets: those that ACORN believed were complete and ready for processing, those that required additional information and those that ACORN thought suspicious and should be carefully reviewed by election officials in order to verify the authenticity of the information on the application.

Unfortunately, some of these election officials either ignored ACORN’s attempt to notify them of applications that needed further review or did not conduct such a review. They then came back weeks or months later and accused us of deliberately turning in phony cards. Fortunately, in most cases ACORN’s extensive quality control procedures enabled us to prove that these were the same cards we had previously called to their attention.

On the whole, however, election officials generally recognized ACORN’s good work and praised our quality control systems. In the course of our voter registration drives, ACORN routinely met and communicated with State and local election officials to review the quality of our work and to establish a cooperative relationship. We worked closely with election officials to resolve any problems, and many officials have been vocal in expressing their support for ACORN’s efforts.

Addressing accusations of voter fraud, for example, the Republican city elections director of St. Louis, Missouri said ACORN had caused no such problems, and that “everything’s been on the up and up.” The Republican governor of Florida, Charlie Crist, and its Secretary of State, Kurt Browning, both broke with their party to deny the allegations against ACORN, saying there was no evidence that ACORN was committing voter fraud.

Why some canvassers submitted bad voter registration cards

In the course of this work, ACORN hired more than 12,000 registration workers to help people

register to vote and verify their information. As with any business or agency that operates at this scale, there are always some people who want to get paid without really doing their job, or who aim to defraud their employer. Any large department store will have some workers who shoplift. Any large voter registration operation will have some workers who turn in bogus registration forms – not because the “Jimmy Johns” whose name they put on a registration form will ever attempt to vote on Election Day, but because they want to get paid without actually making the effort to help register actual voters.²

ACORN has a zero-tolerance policy for any employee deliberately falsifying registrations, and in the cases where our internal quality controls identified this happening, we fired the workers involved and turned them in to election officials and law-enforcement. (Also, contrary to rumor, ACORN paid its canvassers by the hour, not by the card.)

Fortunately, only a small fraction of the workers we hire try to defraud ACORN in this way, but we obviously have a big stake in making sure people know we will turn them in and encourage prosecution when we catch them.

Many poorly-reported media accounts further conflated this handful of fraudulent voter registration cards, which constituted at most two percent of all the cards collected with the more routine problems endemic to any effort to collect large amounts of information from the field such as incomplete voter registration cards (applications missing information), handwriting errors, or cards where the voter entered erroneous information or submitted a card not realizing he or she was already on the rolls.³ These distinctions are important yet some media outlets reported on voter registration without discussing them. Predictably, however, partisan forces tried to use these isolated incidents to incite fear of widespread voter fraud.

Why ACORN turns problematic cards over to election officials

In almost all states and localities, ACORN is required either by state law, local election officials or good legal judgment to turn in every voter registration application, even if it knows the card is incomplete or fake. Some states have explicit laws requiring the turn-in of all signed voter registration applications. Other states or localities have policies that require that card be turned in within a given time period—implying that it must be turned in. In all cases, it is election officials who have the final right and responsibility to determine if a card is valid.

In every state, the worst possible thing an organization could do is discard a registration application that turns out to be valid, thus disenfranchising a voter. This would be in opposition to the organizational goal of helping all citizens register and vote, and would be a legal liability as well. So the advice of our counsel has been in almost every case to turn in every single card, identifying in writing any suspected problems.⁴

² A hostile reporter from CNN and other outlets made much of a card turned into election officials in Lake County Indiana with the name “Jimmie Johns” (a local sandwich shop). They refused to report that ACORN’s Quality Control staff had attached a “problematic card report coversheet” which stated this very fact, despite being provided with a copy of the cover sheet.

³ While there is very little research in this area, a comparison of voter registration records from the state of Pennsylvania indicated that cards collected by civic groups had a lower rate of errors than those that voters completed on their own or while doing business in government offices.

⁴ ACORN voter engagement staff and Project Vote’s senior counsel Brian Mellor met with elections officials around the country as we began our voter registration drive in 2007-8 and discussed our procedures with them. In only three localities did elections officials ask us to turn cards we knew to be fraudulent into local law enforcement rather than (as

As Demos President and former Connecticut Secretary of State Miles Rapoport recently explained, if civic groups began making judgments to discard completed voter registration cards on their own, this would open the possibility that some group would label as suspect and then discard cards from voters who registered from one party or the other, or who came from a certain demographic.

Partisan attacks and bogus investigations: a Bush Administration tradition

Similar attacks about “voter fraud” were made against ACORN and other voter registration organizations in 2004 and 2006. These attacks were not only groundless, but have since been exposed as a systematic partisan conspiracy of voter suppression that was at the heart of the U.S. Attorneygate scandal — the scandal that led Karl Rove, former attorney-general Alberto Gonzales, and other top Department of Justice officials to resign. David Iglesias (former Republican US Attorney in New Mexico) testified that he was forced from office because he refused Karl Rove’s and Alberto Gonzales’ pressure to charge ACORN with voter fraud after he concluded no such fraud had occurred. And another US Attorney, Bradley Schlozman, who did politicize prosecutions against former ACORN canvassers, was forced to acknowledge under cross examination by the Senate Judiciary Committee that ACORN was the victim of fraud by its employees and ACORN had caught the employees and had identified them to law enforcement.

Unfortunately, as each election approaches, partisan forces and politicians seeking to portray themselves as “fraud-busters” can’t resist the temptation to try again.

In October 2008, the Associated Press reported that an anonymous Justice Department source had leaked news of an FBI investigation of ACORN. While this anonymous leak gave right wing media and politicians carte blanche to repeat endlessly that “ACORN is under investigation by the FBI”, other reporters were unable to confirm this story, and to this day ACORN has not been notified of any such investigation, despite inquiries from our counsel.

In Las Vegas, law-enforcement staged a highly publicized “raid” of ACORN’s voter registration offices, despite the fact that ACORN and its attorneys had been proactive in providing election officials and law enforcement with information about problematic cards and any employee suspected of misconduct. In fact, the very affidavit used to support the search warrant documents the extensive quality control procedures ACORN uses to guard against voter fraud, as well as ACORN’s thorough cooperation with law-enforcement officials. ACORN’s attorneys had met with officials in the weeks before the highly publicized raid and implored them to follow up with prosecutions against a handful of fired employees who submitted false registration forms.

Convictions against individual former ACORN workers have been accomplished with our full cooperation and often at our suggestion using the evidence obtained through our quality control and verification processes — evidence which, in most cases ACORN called to the attention of authorities. Press stunts notwithstanding, ACORN’s staff and attorneys have not received notification or information indicating the organization itself is under investigation by any government entity anywhere in the country.

opposed to delivering them to the elections office with problems flagged): Flint, Michigan, Broward County, Florida, and Philadelphia, Pennsylvania. Because this was allowable under these states’ laws, we agreed to do this only if we were 100% certain that it could not possibly be an application from a legitimate voter—and that only occurred in one place.

Challenging the great voter fraud fraud

The goals of the people orchestrating these attacks were to distract ACORN from helping people vote and to lay the groundwork for massive voter suppression. While harmful in many ways, the partisan attacks were not successful in achieving either of these goals, in part because ACORN, Project Vote, and a range of respected opinion leaders responded forcefully to these attacks.

In October the RNC and the McCain-Palin campaign began an orchestrated attack against ACORN's voter registration drive. After Presidential candidate John McCain attacked ACORN in a televised debate, ACORN organizers received a wave of racist hate mail and death threats.

In response, throughout October, ACORN and partner Project Vote launched an aggressive fight-back strategy of near-daily press releases, press conferences, and targeted strategic outreach to reporters to emphasize the importance of voter registration, debunk the myth of "widespread voter fraud," and refocus media attention on the real threat to democracy: partisan tactics of voter suppression. A number of key national leaders spoke out eloquently and took strong, principled action to challenge the false, partisan charges and denounce efforts at voter suppression, including Bob Edgar (National Council of Churches), Miles Rapoport (Demos), Julian Bond (NAACP), Andy Stern (SEIU), Randi Weingarten (AFT), Katherine Kolbert (PFAW) elected officials including Rep. Jesse Jackson, Jr., Rep. John Conyers, and organizations including MoveOn.org, and many others.

Eventually, numerous reports and editorials from major media outlets, including the Washington Post, the New York Times, McClatchy newspapers, and USA Today, deconstructed the myth of voter registration fraud, and correctly contextualized the attacks against ACORN as a smokescreen for partisan voter challenges.

Voter suppression defeated in the field and the courts

The day after Senator McCain made his unfounded accusations against ACORN in the final Presidential debate, New Mexico Republican Party activists held a press conference in which they identified ten persons they claimed illegally cast ballots in New Mexico's primaries. Following the press conference, ACORN made contact with eight of the ten voters named, and discovered that they were all legitimate voters who were eligible to vote and had no problems with their registrations. Nine of the ten voters were Latino; all identified as Democratic; most were 18-19 years old. One of them was a citizen naturalized in 2007 who was voting for the first time. Following ACORN's debunking of the GOP charges, several voters reported receiving intimidating visits from a private investigator, and are now plaintiffs in litigation charging NM party members with voter intimidation.

In Pennsylvania, the Commonwealth Court in Harrisburg ruled in favor of ACORN, denying the GOP's attempt to stop voter mobilization in the state. Republican attempts to block early voting in Lake County, Indiana also failed.

The claims of "widespread voter fraud" were used to justify other attempts at voter suppression activities around the country, including reports of attempts by the Michigan GOP to use lists of foreclosure victims as the basis for voter caging, attempts in Montana to challenge thousands of voters who had submitted change of address cards to the post office, and overreaching attempts by local law-enforcement agents in Ohio to "investigate" lawful voters. ACORN and other organizations, bloggers, and the media helped focus attention on these plans and all were eventually withdrawn.

Will voter registration inevitably become a partisan issue?

Voting rights and voter registration are fundamental components of our democracy and should not be partisan issues. ACORN's voter registration work reached out to and helped enfranchise American citizens from the most underrepresented and disenfranchised communities. Unfair and deceptive attacks came from politicians who feared that these voters would not support them.

One lesson that politicians and elected officials could and should draw from the 2008 elections is that the citizens ACORN has helped register this year are real people who are now participants in our democracy. Candidates and parties would be better served by welcoming these voters to our public life and offering proposals to address the needs and concerns of minority, low income, and young voters than by attacking community organizations like ACORN.

In the public policy sphere, we are hopeful that the attempts to discredit voter registration assistance efforts like ACORN's will add to the growing interest in legislation to create a universal voter registration process, administered by the government. In every other democracy in the world, maintaining a current list of eligible voters is a public responsibility. ACORN's members and organizers would be the first to applaud a system that takes responsibility for addressing the disparities in the electorate off the shoulders of community organizations, allowing organizers and community leaders to focus on engaging and mobilizing citizens around issues, rather than handling the mechanics of voter registration.

Some key media quotes on the ACORN voter registration controversy

"Republicans have leveled similar allegations against the coalition known as ACORN in every election since at least 2000, but they have yet to produce proof that the group poses a threat to election integrity." (Greg Gordon, "Will McCain get any traction from latest Acorn allegations?" McClatchy Newspapers, October 10)

"The ACORN 'election fraud' story is one of those urban legends, like fake moon landings and alligators in the sewers, and it appears three or four weeks before every recent national election with the regularity of the swallows returning to Capistrano." (Michael Winship, "A Mighty Hoax from ACORN Grows," Bill Moyers Journal, October 17)

"For all of the McCain campaign's manufactured fury about vote theft (and similar claims from the Republican Party over the years) there is virtually no evidence — anywhere in the country, going back many elections — of people showing up at the polls and voting when they are not entitled to..." (New York Times editorial, "The ACORN Story," October 17)

"...the reckless attempt by Senator McCain, Sarah Palin and others to fan this into a major scandal has made Acorn the target of vandals and a wave of hate calls and e-mail. ...When it comes to voting, the real threat to democracy is the nonstop campaign by the G.O.P. and its supporters to disenfranchise American citizens who have every right to cast a ballot. We saw this in 2000. We saw it in 2004. And we're seeing it again now." (Bob Herbert, "The Real Scandal," New York Times, October 20)