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WASHINGTON WIRE | THINK TANK

Trumped-Up Fears of 'Rigged' Elections—and How Responses Could Disenfranchise Voters

By RICHARD L. HASEN

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A voter drops a ballot into a ballot drop box in Seattle in August. PHOTO: ASSOCIATED PRESS

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Thanks to comments and tweets by Donald Trump and the apparent work of Russia, the news is full of allegations that next month's vote will be stolen, "rigged," or hacked. Most of this talk is unsubstantiated or greatly exaggerated. Here are four ways that the 2016 election won't be stolen and one way that responses to exaggerated fears of electoral fraud could disenfranchise voters.



Obstacles to voting multiple times: Donald Trump has said that without strict voter identification laws, people will vote multiple times and swing the election in critical states such as Pennsylvania. I've written about why this is a dumb and difficult way to steal an election: It involves registering multiple times in different jurisdictions or going to various polling places and claiming to be a registered voter, who may or may not have already cast a

ballot. When compiling my 2012 book, "The Voting Wars," I could not find a single efforts since at least the 1980s to steal a U.S. election using a large-scale impersonation fraud scheme. The most notorious example of a multiple voter in recent years is a Scott Walker supporter who voted more than a dozen times across four elections and sought to plead insanity after he was caught. That plea was rejected (he ultimately pleaded no contest to six of the charges). To get tens of thousands of people to attempt to cast multiple ballots in battleground states isn't feasible. Each person attempting to impersonate another registered voter

risks being caught.

Flawed findings on non-citizen voting: Mr. Trump has pointed to a study arguing that non-citizen voting is a big problem and could have cost John McCain the state of North Carolina in the 2008 presidential election. Politifact rated Mr. Trump's allegation of massive voter fraud a "pants on fire" claim, noting that this study "has been criticized by election experts for using an unreliable database of Internet respondents." Kansas Secretary of State Kris Kobach, who has been given prosecutorial powers to go after this fraud, has found virtually none. The United States Court of Appeals for the D.C. Circuit concluded last month that only a "tiny fraction" of voters are non-citizens and that there is no evidence it is a serious problem.

The myth of zombie voters: Mr. Trump has also pointed to a 2012 Pew study showing that more than 1.8 million deceased voters are still on voting rolls. It's absolutely true that our voting rolls are a mess and need to be cleaned up. But there's no good evidence that people are impersonating dead people and voting for them on a scale to swing an election. In 2012, for example, there were reports of dead people voting in South Carolina. But follow-up investigations showed that there was almost no such activity.

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Russian hacking and vote totals: The U.S. government has been clear that Russia is behind the attacks on U.S. election systems, such as going after the voter registration databases of Illinois and Arizona. There does not appear to be evidence of hackers removing voters from the rolls or adding fake voters to the rolls. More important for those worried about hacking and voting fraud, I am aware of no vote-counting systems used by states that are connected to the Internet, and election officials are taking steps to ensure there is no corruption of voting equipment. Most, but not all, votes are cast using ballots with a paper trail, which could be recounted in the event of concerns over hacking or an error in audits. I looked last week at the evidence that the Russian hacks are more about delegitimizing the U.S. election than changing its results.

Voter suppression as vote "rigging"? Amid allegations about the reliability of the vote, there is a different reason for concern: how Republican-passed laws ostensibly aimed at voter fraud could be disenfranchising voters. Given the scant evidence of voter fraud of the kind that voter ID laws are crafted to prevent, it is possible that efforts to make people show identification have a bigger effect on election outcomes than everything else. Republican legislatures have passed laws making it harder to register and vote without proof that such laws stop fraud or increase voter confidence. While I would not go so far as to call this "rigging" or to argue that this constitutes stealing of an election, it does give reason for concern that election laws are being manipulated for political reasons. We don't

know how much of an effect these laws have on turnout, but the better question is why states are allowed to burden voters without a proven good reason to do so.

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