

US - Voter Suppression in Midterm Elections: Robocalls, ID Confusion, Voter Roll Purges

Adam Cohen & Amy Goodman, Democracy Now!

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Monday, November 6th, 2006 - [Democracy Now! News Program](#) - In Virginia, Democratic Senatorial candidate James Webb's last name does not appear on the voting summary sheet. In Indiana, African American congresswoman Julia Carson was told her congressional ID was not sufficient to vote. In Broward County, Florida early voting, a vote for the Democratic gubernatorial candidate registered as a vote for the Republican candidate. Adam Cohen, editorial writer for The New York Times, joins us to discuss voter disenfranchisement.

On Tuesday, millions of voters will cast their vote in the mid-term elections. Many are calling this the most high-stakes election in recent years with the possibility of a Democratic takeover of Congress. But some are warning that voters could be subject to intimidation and a variety of suppressive tactics meant to keep them from casting a ballot. Some of these tactics have been mandated by the government like new rules requiring government-issued voter identification cards. Others have been perpetrated by unofficial sources such as the bogus letters sent to thousands of Latino voters in California telling them it was illegal to vote.

AMY GOODMAN: Adam Cohen is an editorial writer with the New York Times. His piece in today's paper is called "[Protecting the Right to Vote](#)". We welcome you to Democracy Now!

ADAM COHEN: Thank you, Amy.

AMY GOODMAN: Well, Adam, you've been following the whole issue of voting for quite a long time now. What are the issues, the key issues you see right now?

ADAM COHEN: Well, the first issue is electronic voting. About 80% of Americans will be voting on electronic voting machines on Tuesday, and we don't really have a lot of confidence that those votes will necessarily be accurately recorded. We've already seen some problems in the early voting. In Montgomery County, Maryland, in the primary, there was absolute chaos when they failed to include a necessary part for the electronic voting machines, so people were literally casting ballots that they wrote on scraps of paper. Poll workers were reading the candidates' names, and voters were just writing names literally on pieces of paper. The machines weren't working.

AMY GOODMAN: Wait. So, the machines, they had to put them aside.

ADAM COHEN: They weren't working. They were missing a key part. So there was actually — the word "chaos" was used. That's Montgomery County, Maryland. In Virginia, we already know that on the summary sheet in some Virginia electronic voting machines, Jim Webb, the Democratic candidate for Senate, his full name will not appear. It cuts off after his middle name. So, "Webb" does not appear on the summary page?

AMY GOODMAN: What do you mean by "summary page"?

ADAM COHEN: Well, when you vote on an electronic voting machine, often you make your choices by hitting various buttons, and then at the end you get a summary of all the choices you've made, and you confirm that that's correct. So that summary page should have all the candidates you chose.

AMY GOODMAN: It's not actually a piece of paper, it's the screen.

ADAM COHEN: It's the screen, but for some reason the electronic voting machine manufacturer that made a lot of machines for Virginia was unable to fit Jim Webb's entire name on there. They admit that it was a mistake. They say they'll do better next year, but people are actually going to be voting with this flawed technology that has the full Republican name and only half of the Democrat's name.

AMY GOODMAN: Isn't there a law against this?

ADAM COHEN: Well, everyone says, "We're going to try better next year," but those are not even the worst problems. I would say the worst problem we've seen so far in early voting is in Broward County, Florida, where people are reporting that when they've chosen the Democratic candidate for governor — they've made that choice — when they get to the summary page and need to confirm that their choices were, you know, correctly recorded, they see that they've actually voted for the Republican. The name has flipped. And that's something that people have brought to the attention of the election officials, and they say that they have a way of re-jiggering the machine. They actually admit that when the machines are heavily used, they get out of sync, and sometimes they do flip the vote from, in this case, Democrat to Republican.

AMY GOODMAN: But explain how this is happening. This goes to the issue of early voting.

ADAM COHEN: Yeah, well, people are voting now in many states. More than 20% of all votes have already been cast around the country. They're voting on electronic voting machines. And you would think that an electronic voting machine would have to absolutely accurately reflect the choices a voter made, before it could be used in an election. That's not true. It's a very, very imprecise science. These electronic voting machine companies are really not very good at making these machines.

AMY GOODMAN: But in the case of Broward County, if you cast your vote for the Democratic governor and it shows up as a Republican governor on the computer screen, what do you do? You then have to walk out to one of the poll workers and say, "Can you come in and look at my computer?" And then they also see what are you choice is.

ADAM COHEN: Yeah, and you say, you know, "I chose the Democrat, but actually on the summary page it's showing me that I'm voting for the Republican. Could you please do something about that?" And then they will recalibrate the machine. They may take the machine out of service. I actually talked with someone from the Broward County Elections Office last week, and I said, "I hear you're having some problems with electronic voting down there." And she said, "No, there are no problems, because if the voters tell us that there's a mistake on the summary page, we can fix it." Now, to my mind, that's a problem, if the voter needs to catch that. Otherwise, their Democratic vote will become a Republican vote. But apparently, they don't consider that a problem.

AMY GOODMAN: Aren't there issues about privacy in voting?

ADAM COHEN: There are issues about — I mean —

AMY GOODMAN: Aside from aren't there issues of casting your vote and having it not counted?

ADAM COHEN: You should absolutely not have to bring an elections official to say, "I've chosen a Democrat, and it's coming up as a Republican," because you're telling them your vote. You also shouldn't have to be voting on a scrap of paper in Montgomery County. You know, in San Diego, actually, we just learned that they ran out of absentee ballots, so the official ballots that they mailed to some people in San Diego are Xeroxes, which you vote on this Xerox, and then when you send it in, election workers will transfer your choice onto a proper ballot, which will then be scanned properly. That's crazy, but they've just run out of proper ballots.

AMY GOODMAN: Now, in Maryland, the governor said they will not use electronic voting machines

tomorrow, is that right?

ADAM COHEN: No, they are using them. He's discouraging people from using them, and you have the choice not to, but they're — no, I mean, they were one of the states that went earliest to all Diebold voting machines. They and Georgia, they hopped on the bandwagon very early, and now there's a lot of buyer's remorse, because people realize that these Diebold voting machines, which do not have paper trails, are not reliable. Even if they have all the parts on Election Day, you're not sure that they're working properly.

AMY GOODMAN: In the case of Virginia, can Webb simply challenge the vote, because his name will not appear?

ADAM COHEN: I think the theory is that at least his name is fully represented on the first page, where you make the choice, and that maybe it's not so important that it be correct on the summary ballot, although since we know that sometimes the votes are flipping in Broward, you would like to be sure that your full name is there on the summary so that people can catch it. You know, these are the imperfections that someone could try to challenge. I don't know if a judge would set aside an election because of it.

AMY GOODMAN: What about what's coming out of Memphis: the early memory cards being lost? There was some rumor of this.

ADAM COHEN: Yeah, the "Drudge Report" online made a big deal last week about some voter cards going missing, and I think that we still don't know exactly what is going on there and who took them, or whether — how many votes can be voted with these, I believe, twelve cards that are missing.

AMY GOODMAN: What do you mean by cards?

ADAM COHEN: These are cards that a voter uses to actually — you have a card when you go to vote that you put into the machine, and some of these are missing. It doesn't appear to be a large number. It doesn't seem like it's a number that would really change the election, but it's definitely feeding into people's anxieties.

AMY GOODMAN: And you're saying 20% of the votes will be cast by tomorrow already, people who are in states where there is early voting.

ADAM COHEN: At least that many have already been cast, yes.

AMY GOODMAN: What about the issue of voter suppression?

ADAM COHEN: Well, it's an issue every year. And it's — we saw it this year with 14,000 letters that were sent out in Southern California in Loretta Sanchez's district to voters with Latino names, saying that if you're an immigrant, you're not allowed to vote, which is absolutely untrue, of course. If you're an immigrant and you're naturalized and you're registered to vote, you can vote, but that was false information that was systematically sent out.

But we're seeing it in many other places in many other ways. Some small ways, there were reports of radio commercials in black neighborhoods in Baltimore earlier this year saying that Martin Luther King was a Republican — not true — but designed to suppress the black vote, which is going to be very important in Maryland this year. And then, we're seeing government forms of suppression with voter ID laws that are designed not just to ensure that only people who are registered to vote can vote, but actually to stop a lot of people from voting.

AMY GOODMAN: We'll talk about the issue of voter ID laws after break. We're talking to Adam Cohen, editorial writer for the New York Times, tracking the votes.

[break]

AMY GOODMAN: As we talk about the issue of voter suppression, voter confusion, of problems in early

voting, of who will be counted, and the hidden history of voter disenfranchisement in this country, our guest is Adam Cohen. He is editorial writer for the New York Times, talking about the issue of whose votes get counted. Before we move on, on San Diego, the letter, was it ever traced who put out this letter telling Latinos they can't vote?

ADAM COHEN: Well, there was an investigation, and it's believed to have been done by the candidate, the Republican candidate running against Loretta Sanchez, the congresswoman in that area. And there's some question about how directly involved he was.

AMY GOODMAN: And Baltimore, the ad saying that Dr. Martin Luther King was a Republican?

ADAM COHEN: I'm not sure where those have come from. But, you know, often on Election Day, you see all kinds of fliers and things that come out that never get traced to anyone, saying the election has been postponed, various other things like that. People just, you know, they never find out who did that kind of stuff.

AMY GOODMAN: Voter identification.

ADAM COHEN: Yeah, actually even before voter ID, there is this issue of voter registration, where what we've been seeing now is states cracking down on perfectly legitimate voter registration drives. And we saw this in 2004, when, you may recall, Kenneth Blackwell, who's the Secretary of State of Ohio, began rejecting perfectly valid voter registration forms. At one point he came up with a rule that said if it wasn't on thick enough paper, 80-pound thick paper, it would be rejected, which was, you know, a crazy rule that, under pressure, he withdrew. We're not seeing that this year, but we did see Florida adopted very, very strict rules for voter registration drives, so strict that the League of Women Voters of Florida, for the first time in, I think, 70 years, stopped registering people to vote, because they were afraid of the criminal and civil penalties associated with that, so we're seeing that.

AMY GOODMAN: Explain criminal penalties.

ADAM COHEN: Well, Florida's legislature, which is not so receptive to voter registration drives, came up with rules that said if there was a certain number of inaccuracies, if you didn't hand in the forms on time, lots of technical requirements, but, you know, when you do a registration drive, you do the best you can. But the League of Women Voters didn't want to do a drive, if it meant if they didn't get the form that they collected from a perspective voter into an elections office within x number of days, they would be fined. I don't know that there were criminal penalties, but the civil penalties, they calculated, could easily eat up their entire budget for the organization, so they stopped registering people.

AMY GOODMAN: Voter ID.

ADAM COHEN: Voter ID. We've seen a number attempts around the country to try to stop people from voting through overly onerous voter ID rules. Now, everyone agrees that there can be some reasonable request that you present ID when you vote, but what we've seen is incredibly strict rules.

So, Georgia started this out with a rule you had to actually, if you didn't have a driver's license, you had to buy a voter ID card. So that meant that poor people in Georgia, you know, were essentially subject to a poll tax. The court struck that down. But it was very clear that Georgia was trying to stop people from voting, including the fact that when that law went into effect, there was no office in the entire city of Atlanta where you could buy that card. And they actually — they had a bus that they had traveling around the state, and if you were able to find that bus, you could buy your card there. But the Atlanta Journal-Constitution actually followed the bus and found that it kept breaking down. It was like a 15-year-old bus. And I think it ended up issuing like 500 cards in a month, and there were 300,000 people who needed the card. So, that has been struck down, Georgia's rule.

But there are other states, like Indiana and Arizona, that have very strict voter ID laws that are in effect for this election. And as Bob Herbert, my colleague, writes in his column today, Julia Carson, a

congresswoman from Indiana, tried to vote with her congressional ID, and that was initially deemed not to be acceptable ID. So you can imagine, they're really trying to discourage —

AMY GOODMAN: In Indiana?

ADAM COHEN: In Indiana. Discourage people from —

AMY GOODMAN: She showed her congressional ID?

ADAM COHEN: And the initial ruling was that it was not acceptable, because it didn't have an expiration date on it. I think that was eventually appealed. But you get the idea: if they're not letting a famous congresswoman in Indiana vote with her congressional ID, they're not really trying to make every vote count.

AMY GOODMAN: What about the issue of voter roll purges?

ADAM COHEN: Yes, this is something we remember from 2000, when Katherine Harris did that very bad felon voter purge that ended up disenfranchising many people who weren't felons at all. This goes on all the time, because we don't really have a lot of access to how board of elections keep their voter rolls. So they can purge names without a lot of notice, and we've seen already once this year in Kentucky, they did a purge. They announced a purge that was improper. It had a high error rate, and a court actually ordered them not to do that purge.

Here in New York State, we have a state senator who is running in an incredibly close race. He won his seat two years ago by a very small margin. Last week, he — or Republicans in his district presented the names of 5,000 people they said were on the rolls improperly. Well, if you do that a few days before the election, it's hard to know what the Board of Elections can do, but there's a lot of concern in that district that these people may be eligible to vote, but may be stopped from voting.

AMY GOODMAN: On the issue of purges, it's something we know well from Florida from 2000. Let's talk a little about the issue, the history of voter disenfranchisement. Just can you go back in time, put 2006 in context? You can go back to the beginning of people voting in the United States.

ADAM COHEN: Sure. People sort of think that 2000 was the beginning of problems with voting, because that was when we saw it in Bush versus Gore. But, in fact, if you look back at the history of voting in the United States, there has always been an attempt to use rules of various kinds to stop certain people from voting. It's always been a partisan thing. One party realizes if it stops a particular ethnic group or racial group from voting, it may win, and they adopt rules that appear to be neutral, but actually aren't neutral at all.

So, for example, in New York State, the first voter registration laws were passed in 1840. They applied only to New York City, and everyone understood that it was Republicans in the state who were trying to disenfranchise Irish Catholics in New York City through these voter registration rules. In 1921, there was a constitutional amendment that was passed in New York State, adopting a literacy test for the first time. Everyone knows that was done to stop Yiddish-speaking voters in New York City from being able to vote.

And around the country, we have seen many other rules of this kind. New Jersey, for a while, they adopted what were called "sunset" laws, which required the polls to close at sunset, and everyone knows that the reason was that workers were still working in the factories, and the plan was that by the time they were off of their shifts, the polls would be closed.

AMY GOODMAN: And you take that through to now. I mean, immigrants in also, and you've written about this with Abraham Lincoln talking about the issue.

ADAM COHEN: Absolutely. They tried to — various — in Massachusetts, for example, Republicans tried to extend the period of time after an immigrant was naturalized, that they had to wait in order to vote. And

Abraham Lincoln, who was a Republican, and it was his own party who was promoting that rule, said, “This really isn’t right. You know, America is about letting people vote,” and he actually did not support that rule. But we’ve seen in many other places, of course, you know, we don’t even need to talk about all the rules in the South, through Jim Crow and after, that were designed to stop blacks from voting, particularly in places where blacks were in the majority.

AMY GOODMAN: And we should comment that Julia Carson of Indianapolis, first woman and first African American to be elected by Indianapolis to Congress.

ADAM COHEN: Right, and apparently her congressional ID was not sufficient proof of her eligibility to vote.

AMY GOODMAN: And so, today — or I should say tomorrow, what are you looking for as the most serious violations that we might see tomorrow?

ADAM COHEN: Well, we’re going to see a lot of things. First of all, we’ll see who’s actually allowed to vote. We’ll see if there are improper challenges at the polls. The Washington Post reported that in Maryland, where there’s going to be some very close races, that the Republicans have issued guides for their poll workers that advised them to threaten the election judges with arrest if they don’t stop various people from voting. So, it could get very intense. So, we’ll see that. We may see fights over who gets to vote. We’ll see voter ID laws perhaps wrongly applied.

We’re also seeing dirty tricks. We’re seeing this already with — the blogosphere is speaking a lot right now about, apparently there is a Republican “robocall” dirty trick campaign going on nationwide that’s designed to suppress the Democratic vote. And what the blogosphere says — I don’t know this first hand, but — is that in about 50 races around the country, Republicans are doing robocalls that appear to be from Democrats, that are coming early in the morning, late at night. They call back seven or eight times, and it’s designed to make voters think that the Democratic candidate is harassing them. And in some cases, voters are calling up the Democratic campaign headquarters and saying, “I’m not voting for you. You keep on calling me.” But, in fact, supposedly, it’s actually a Republican robocall. So, we’re hearing about —

AMY GOODMAN: By “robocall,” you mean?

ADAM COHEN: This is a nonhuman voice. It’s an electronic — you know, it’s an automated phone call, and they can make hundreds of thousands of these very cheaply, because it’s just a machine calling. But, as I say, it’s designed apparently to be done in a deceptive way.

AMY GOODMAN: Does it explain at any point who is responsible for the call?

ADAM COHEN: Well, the description I’ve seen online, they start by saying, here is some important information about the Democrat running for office, and it goes on for a while. People generally hang up and are angry at the Democrat. If you stay on the line long enough, eventually it says, but actually, you know, “This is the Republican Party calling, and we’re warning you about this bad Democrat.” But either people hang up at the beginning and they think a Democrat is harassing them, or if they listen to the end, they get the Republican message. But mainly people are hanging up and reportedly being called again and again and again right afterwards, which, no one would design their own robocalls to do that. That’s designed to apparently leave a bad taste in voters’ mouths.

AMY GOODMAN: There’s a piece in the New York Times today, “A new telemarketing ploy steers voters on Republican path,” meaning this piece.

ADAM COHEN: Yeah, although that’s focusing more on the sort of intelligent use of robocalls to — these are calls that they say, “Do you care about abortion? Are you opposed to abortion?” And if you hit yes, it will then take you to a message about why the Republican is the right person to vote for. So that’s sort of the more benign kind of robocall, although still very sophisticated. And some people are calling it a form

of push polling, because they do say negative things about the opponent. But that's at least within the realm still, I would say, of not being a dirty trick. This other one of pretending to be from the other side and harassing people is worse.

AMY GOODMAN: We're talking to Adam Cohen, editorial writer for the New York Times. The very close races that could determine the balance of the Senate, where they stand today? For example, Tennessee.

ADAM COHEN: Yes, I think people right now are saying that control of the Senate probably rests on Missouri, Tennessee, and Virginia; Tennessee, incredibly close. Harold Ford, the first African American who has a real shot in modern times of representing the state. We've seen, you know, a very spirited campaign. Allegations of the Republicans have been using racially charged advertising against him. I don't think anyone knows how that is going to turn out. I mean, there have been polls both ways, showing Ford up a little. Lately Corker seems to have closed the gap, or the Republican, or moved ahead, but I think it's all going to come down to turnout in Tennessee.

AMY GOODMAN: And Virginia?

ADAM COHEN: Virginia, there, too, a fascinating, very high-profile race. We all know about Senator Allen and his problems. Jim Webb is the Democrat. They've been seesawing back and forth. Some polls say that Webb is up by one or two points. Again, turnout will be very important. Virginia is a state that has been Republican for a long time, but they've elected two Democratic governors lately, and Democrats in the state, I think, are cautiously optimistic that Webb may win that one.

AMY GOODMAN: And in Missouri?

ADAM COHEN: Missouri may well be the closest race in the country. It seems to be dead even, 47-47, 49-49, depending on the poll, between Jim Talent, the Republican incumbent, and Claire McCaskill. Missouri has some of the closest races in the country. I think people feel that could come down to literally just a few thousand votes in the end.

AMY GOODMAN: Arizona seems to be in play in a way that no one talked about before.

ADAM COHEN: Yeah, no one was really focusing on Arizona, but in the last few days, the Democratic Senatorial Campaign Committee has been pumping more money into it, because Kyl, the Republican incumbent, does seem to be vulnerable. He's really not been above 50% in the polls for a while, and that's a vulnerable place for an incumbent to be. Pederson, the Democrat, has a lot of money on his own, and I think they are two people just, I think, it will come down to who actually turns out to vote on Tuesday.

AMY GOODMAN: And then you've got the House. You had the New York Times headline yesterday, "GOP Glum as It Struggles to Hold Congress." Some of the closest races there.

ADAM COHEN: Yeah, I think people are looking particularly to the Northeast there. Connecticut has three very closely contested races, where some of the moderate Republicans are in trouble, people like Chris Shays, Nancy Johnson. And the Philadelphia suburbs, three more close races, where again moderate Republicans are in danger. Upstate New York has some other races where Republican seats could go Democratic. Those states alone could make up most of the seats that the Democrats would need to make up the 15 seats they need to take the majority.

AMY GOODMAN: And the language that's being used now, because of course in every one of these local races, where the Democratic Party, where the Republican Party pours resources in, they're going larger than that particular race. I mean, for example, Nancy Johnson, big pharmaceutical support, insurance support, but when they pour money into the race, they're talking to the electorate about what the complexion of the country will look like, what the composition of Congress will be.

ADAM COHEN: Right, we're really seeing a battle here, where the Democrats are trying to nationalize these races. The Republicans are trying to keep them local. So, you see the Democrats saying, "Nancy

Johnson is one more vote for the Republican majority. President Bush really wants Nancy Johnson reelected.” Nancy Johnson talks about things like, “Look at all the bacon I’ve brought home for the district. Here is a parkland that I turned into federal park.” You know, local, local, local. And you’re seeing that repeated again and again and again, where the Republicans want to say, you know, “This isn’t a referendum on Iraq or on President Bush. This is about all the things I’ve done, you know, for the community.”

AMY GOODMAN: In New Mexico, a very close race with the incumbent Heather Wilson.

ADAM COHEN: Yes, Heather Wilson appears to be in trouble. Patricia Madrid, the Attorney General, has been running very strong. And that’s part of this trend in the West: a lot of states that had been Republican are now trending Democratic. We’re seeing that in New Mexico, Arizona. Colorado is another state like that, where, you know, they’re purple states now, but they seem to be moving in a blue direction.

AMY GOODMAN: Any other major issues, major races that you’re right now looking at?

ADAM COHEN: Well, there are a couple of races that the Republicans hope they’ll be able to take a few Senate seats away from the Democrats, which would really block their chance of taking over. So, they talk about New Jersey; they talk about maybe knocking off Menendez. I don’t think that’s realistic. New Jersey is a very blue state. Menendez seems to have pulled ahead. Maryland, the Republicans are looking to possibly win that with Michael Steele against Ben Cardin, but I think Cardin will win that, as well. Rhode Island should be interesting. It looks for sure that Chafee was going to lose, the Republican incumbent, a week or two ago. Now the polls have tightened, but I still think the Democrat there is likely to unseat him.

AMY GOODMAN: Very unusual case also, because Chafee is not exactly in the past embraced by the Republican Party.

ADAM COHEN: No, he went out of his way to say that he personally didn’t vote for President Bush, and what may be helping him close the gap is, he’s done a commercial where he says, “Hey, you know, I voted against this war.” He’s almost trying sound like a Democrat, and that may be helping him in the end.

AMY GOODMAN: And there’s also an interesting ballot initiative in Rhode Island around the issue of felon disenfranchisement.

ADAM COHEN: Yes, Rhode Islanders have a chance to vote for a constitutional amendment that would make it — that would extend the vote to some felons right now, people who are on parole and probation who need to wait right now in Rhode Island ‘til those end. So people can be out of jail in Rhode Island and for 10, 20, 30 years still not be able to vote. And I think that would be a good thing if that passed.

AMY GOODMAN: How typical is that?

ADAM COHEN: These laws vary by state, but usually that’s not uncommon. I think 37 or more states have rules like that. What is uncommon is having a referendum and having the voters have their say. And there’s a decent chance that will pass.

AMY GOODMAN: Adam Cohen, thank you very much for being with us. Adam Cohen is editorial writer for the New York Times.

This interview was broadcasted during Democracy Now! TV News Program. The text published here is a rush transcript.

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