

**Testimony of  
J. Christian Adams**

**Before the House Judiciary Committee  
Subcommittee of the Constitution,  
Civil Rights and Civil Liberties**

**On**

**Protecting the Right to Vote During the COVID-19  
Pandemic**

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Chairman Cohen, Ranking Member Johnson, and members of the Committee, thank you for the invitation to testify today.

I am the President and General Counsel of the Public Interest Legal Foundation, a non-partisan charity devoted to promoting election integrity and best practices for election officials. I have brought cases in federal court against election officials for failing to comply with federal law. In the course of these cases, we have found numerous failures in election administration. Among these are the same people becoming registered to vote two, three, even seven times simultaneously as Mr. Rashawn Slade was in Swissvale, Pennsylvania. We also know from federal data that voting by mail is the most vulnerable form of voting, where hundreds of thousands of ballots have been rejected for defects and millions more end up missing or in landfills. The causes of these breakdowns are complex.

These problems show in published federal data and in our litigation. We recently completed a nationwide audit of voter registration rolls for problems indicating that established maintenance standards are not being followed across the country.

The United States is not ready for an emergency national vote-by-mail scenario in 2020—and it won't be. Putting the election into the hands of the United States Postal Service would be folly, a disaster.

Vote by mail would disenfranchise people. It would move the election from transparent places where observers from both parties can monitor the process for fairness to moving it behind closed doors where the vulnerable and powerless are influenced by third parties.

I have attached to my testimony a court opinion from the Southern District of Mississippi in the case of *United States v. Ike Brown*. In this case, the Committee can see plainly how vote by mail can abuse the most vulnerable. I

worked on this case when I was at the United States Department of Justice. Peruse the opinion from page 17 to 21 to see what ballot harvesting fraud looks like from the inside. Notably, the victims were poor and powerless. The victims were visited in their homes by politically connected vote harvesters. The vote harvesters voted the ballots, not the voters. If you don't think mail ballot fraud occurs then you haven't read this court opinion. The United States won this case.

Elections should occur in the open, in transparent places, where the vulnerable can be protected from the powerful trying to cast their ballot for them.

Vote by mail also has logistical problems. The entire system was designed for in-person voting. We do not have the administrative infrastructure to ensure a clean election based on current voter lists. We found serious problems in every single state's voter rolls, some far worse than others.

People are registered multiple times. The dead are remaining on the rolls as active registrants for years, and sometimes decades in some states. Voter rolls are missing basic information like apartment numbers, birthdates, and sometimes even full names. Nobody reasonable would think we should mail ballots automatically to everyone on these broken lists.

In the past year, my organization undertook the task of compiling a national database of all available voter registration records so they could be uniformly compared against federal and state records to identify registrants appearing to be deceased, duplicated, relocated, or otherwise outdated as listed. Full social security numbers were used to validate identities. We have shared these findings with various election officials and I am pleased to report the system may be improving.

It may come as a surprise to many of you how your respective states compare to each other.

At the turn of the new year, New York, Texas, and Michigan respectively led the nation with the most deceased registrants who were positively identified

against the Social Security Death Index. When comparing with 2016 and 2018 voting history files, we see more than 14,000 ballots credited as counted long after respective dates of death.

Another emerging error pattern is duplicate registrations. These are typically individuals registered multiple times with perfectly matching information, save for a slight difference in name spelling or format. “J. Christian Adams” and “John Christian Adams” can exist in duplicate—even when address, birthdate, and all other items match.

We aren’t limited to seeing people registered twice. In fact, we found one individual who became simultaneously registered to vote *seven times* in the Pittsburgh area. These are the seven separate public voter registration records for the same person. He was registered to vote seven times by an out of state third party group largely in the weeks before the 2016 general election.

| VUID         | LAST NAME | FIRST NAME | MIDDLE NAME | SEX | BIRTH DATE | PARTY | HOUSE # | ADDRESS 1 | ADDRESS 2 | TYPE | CITY        | STATE | ZIP |
|--------------|-----------|------------|-------------|-----|------------|-------|---------|-----------|-----------|------|-------------|-------|-----|
| 109115390-02 | SLADE     | RASHAWN    | A           |     | 11/14/1998 | D     | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109420839-02 | SLADE     | RASHAWN    |             |     | 11/14/1996 | NF    | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109420913-02 | SLADE     | RASHAWN    |             |     | 11/14/1996 | NF    | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109420966-02 | SLADE     | RASHAWN    |             |     | 11/14/1996 | N     | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109420981-02 | SLADE     | RASHAWN    |             | M   | 9/14/1996  | NON   | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109421165-02 | SLADE     | RASHAWN    |             |     | 11/14/1996 | NO    | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |
| 109421329-02 | SLADE     | RASHAWN    |             |     | 11/14/1996 | NO    | 7438    | IRVINE ST |           |      | SWISSVAL PA | 15218 |     |

We initially thought this was a straightforward records maintenance issue. However, several states appear to demonstrate how this system weakness can be exploited with mail ballots.

During the 2016 and 2018 General Elections, public data appear to show that more than 13,000 duplicated Michigan registrants were credited for casting *second* ballots. These are registrants with the same first name, last name, date of birth and

address. Of these, 68 percent of duplicated votes were cast via mail. This data is available to election officials there and can be replicated to validate these findings. Good government groups do not have any way to ultimately validate this behavior short of walking up to homes and knocking on doors to interview the people. Election officials, on the other hand, do have ways to validate and fix any problems. Some officials in Michigan have already started that process and found our results to be helpful and largely valid.

Federal figures regarding mail balloting does not inspire full confidence in the system either. According to the U.S. Election Assistance Commission, more than 28 million mail ballots went unaccounted for and another 2 million were returned undeliverable since 2012. When ballots bounce back, outdated voter rolls are commonly to blame. But for the rest of the “Status Unknown” ballots as they are officially called, we as a nation are stuck wondering what happened with each.<sup>1</sup> Unlike polling place ballots, the absentee system places blind spots in the chain of custody.

It is also within these blind spots where abuses occur. Last week, the U.S. Department of Justice indicted a USPS delivery contractor for allegedly altering mail ballot request forms for the primary elections in West Virginia.<sup>2</sup>

In June 2017, a USPS mail carrier was given federal prison time for accepting \$1,000 in bribes from South Texas mail ballot harvesters, provincially known as “politiqueras,” in exchange for information regarding when and where ballots would be delivered on his routes during the 2014 Democratic Primary

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<sup>1</sup> EAC; 2018 Election Administration and Voting Survey instrument (2019), [https://www.eac.gov/sites/default/files/eac\\_assets/1/6/2018\\_EAC\\_Election\\_Administration\\_and\\_Voting\\_Survey\\_Instrument.pdf](https://www.eac.gov/sites/default/files/eac_assets/1/6/2018_EAC_Election_Administration_and_Voting_Survey_Instrument.pdf)

<sup>2</sup> USDOJ; Pendleton County mail carrier charged with attempted election fraud (May 26, 2020), <https://www.justice.gov/usao-ndwv/pr/pendleton-county-mail-carrier-charged-attempted-election-fraud>

contests.<sup>3</sup> A former harvester explained in an affidavit that the mailman would allow politiqueras to follow his USPS vehicle and then signal when a mail ballot was delivered.<sup>4</sup>

If you don't think mail ballot fraud is occurring, then you haven't visited the Heritage Foundation's comprehensive voter fraud database. The Heritage Foundation's database of proven instances of voter fraud is notching toward 1,300 cases with hundreds of examples involving mail ballots.

In March 2015, Texas Attorney General Ken Paxton's office charged two Brownsville men for possessing marked ballots without the permission of the voters during the 2012 primary runoff elections.<sup>5</sup>

The results of the Dallas City Council elections in 2017 were delayed in their acceptance after a harvester going by the alias of "Jose Rodriguez" appeared on roughly 700 mail ballots, often targeting elderly voters in one of the poorer neighborhoods in west Dallas.<sup>6</sup>

In October 2018, four Fort Worth, Texas women were charged for 30 felony counts as a "paid voter fraud ring" targeting elderly residents during the 2016 elections. The Texas Attorney general noted that: "fraudulent applications were generated through forged signatures and by altering historical applications and resubmitting them without the knowledge of the voters. Harvesters also used deception to obtain signatures from voters ... some were forced into receiving

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<sup>3</sup> USDOJ; Former Postal Employee Sent to Prison for Soliciting Bribes During Election (June 30, 2017), <https://www.justice.gov/usao-sdtx/pr/former-postal-employee-sent-prison-soliciting-bribes-during-election>

<sup>4</sup> Notarized Affidavit of Yolanda Perez Hidrogo, Published by the *McAllen Monitor* (July 11, 2014), <https://www.documentcloud.org/documents/1503297-yolanda-perez-hidrogo-affidavit-1.html>

<sup>5</sup> TXAG; Attorney General Paxton's Office to Prosecute Two South Texas Men for Voter Fraud (March 18, 2015), <https://www.texasattorneygeneral.gov/news/releases/attorney-general-paxtons-office-prosecute-two-south-texas-men-voter-fraud>

<sup>6</sup> Dallas Observer; Fugitive Indicted in West Dallas Voter Fraud Case (July 11, 2017), <https://www.dallasobserver.com/news/dallas-county-grand-jury-indicts-one-for-west-dallas-voter-fraud-9646968>

primary ballots for the political party supported by the harvesters, though it was not the party the voters wanted to vote for.”<sup>7</sup>

After the 2018 midterms in Starr County, Texas, Modesta Vela was charged for allegedly intercepting an elderly voter’s ballot and completing it against the intended user’s wishes. The local district attorney said Vela interacted with more than 200 Democratic primary ballots that year.<sup>8</sup> In 2010, Texas Rangers arrested Vela for failing to disclose her assistor status on up to 20 mail ballots in that year’s Democratic primary.<sup>9</sup> The local DA dubbed her the “godmother of voter fraud.”<sup>10</sup>

We cannot neglect the case of Leslie McRae Dowless, a Republican political operative accused of illegal possession of absentee ballots and falsifying witness statements in North Carolina during the 2018 Midterms. His alleged harvesting actions later triggered the results of the North Carolina 9<sup>th</sup> Congressional District to be thrown out.<sup>11</sup>

Finally, in *United States v. Brown*, the case I spoke about earlier, the Mississippi County where the case occurred saw election after election after election overturned for mail ballot fraud. The United State submitted proposed findings of fact and conclusions of law that detail these cases at paragraph 150, which I provide a clip of here in my testimony.<sup>12</sup>

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7 TXAG; Work of AG Paxton’s Election Fraud Unit Results in Arrests of 4 Members of Organized Voter Fraud Ring in North Fort Worth (October 12, 2018), <https://www.texasattorneygeneral.gov/news/releases/work-ag-paxtons-election-fraud-unit-results-arrests-4-members-organized-voter-fraud-ring-north-fort>

<sup>8</sup> McAllen Monitor (October 7, 2018), [https://www.themonitor.com/news/local/article\\_f11f643c-c8e6-11e8-8795-df5e61a5389e.html](https://www.themonitor.com/news/local/article_f11f643c-c8e6-11e8-8795-df5e61a5389e.html)

<sup>9</sup> Brownsville Herald; Starr County Commissioner Convicted on Voter Fraud Charges (2010), [https://www.brownsvilleherald.com/starr-county-commissioner-convicted-on-voter-fraud-charges/article\\_d558d8fa-75b3-5d47-b2b7-8f0da2202b09.html](https://www.brownsvilleherald.com/starr-county-commissioner-convicted-on-voter-fraud-charges/article_d558d8fa-75b3-5d47-b2b7-8f0da2202b09.html)

<sup>10</sup> RealClearInvestigations via Texas Monitor; True confessions of Texas vote harvesters (February 27, 2019), <https://texasmonitor.org/texas-vote-harvesters/>

<sup>11</sup> NPR; North Carolina GOP Operative Faces New Felony Charges that Allege Ballot Fraud (July 30, 2019), <https://www.npr.org/2019/07/30/746800630/north-carolina-gop-operative-faces-new-felony-charges-that-allege-ballot-fraud>

<sup>12</sup> Obtainable in full at PACER at S.D.Miss. Case No. 4:05-cv-00033 TSL-LRA, Document #213, page 64.

150. The most important evidence to Dr. Arrington in forming the opinion that a pattern of ballot fraud exists in Noxubee is a long series of court rulings on absentee and affidavit ballots. (Ex. P-1 ¶ 115.) These include Spencer v. Sanders, (No. 98-0113, Noxubee County Circuit Court), Allsup v. Election of the Office of the Election Commissioner for District II (No. 8350 Noxubee County Circuit Court), (Ex. P-1 ¶ 108), Misso v. Oliver, 666 So. 2d 1366 (Miss. 1992), (Ex. P-1 ¶ 116), Eichelberger v. DEC & Albert Walker, (No. 99-99, Noxubee County Circuit Court), (Ex. P-1 ¶ 135), and Heard v. Walker (No. 2003-115, Noxubee County Circuit Court) (Ex. P-1 ¶ 170.) For

example, in the Eichelberger case, the circuit court found fundamental departures from the election code in fifty-two absentee ballots. (Ex. P-1 ¶ 141; Ex. P-137.) And in Heard v. Walker, the Circuit Court found thirty-three absentee ballots that on their face had fundamental departures from the requirements of the election code. (Ex. P-1 ¶ 166.)

Proposals floating around Congress and in litigation demands could swell those figures in the years ahead.

Thank you for the opportunity to appear.

Date: June 3, 2020

Respectfully submitted,

J. Christian Adams

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J. Christian Adams is the President and General Counsel of the Public Interest Legal Foundation. PILF is dedicated to fostering election integrity and preserving



the constitutional power of states in administering elections. He served from 2005 to 2010 in the Voting Section at the United States Department of Justice where he brought a wide range of election cases to protect racial minorities in South Carolina, Florida, and Texas. He litigates election law cases throughout the United States and the Territory of Guam. He received the Department of Justice award for outstanding service and numerous other Justice Department performance awards. Prior to his time at the Justice Department, he served as General Counsel to the South Carolina Secretary of State. He has a law degree from the University of South Carolina School of Law. He is a member of the South Carolina and Virginia Bars.