

[NYT Op-Ed: Cheating basically doesn't happen. Yet it's used to suppress votes.]
Title: The Voter Fraud Lie We Cant Shake By DALE HO NOV. 3, 2016

Early voting is underway, and according to Donald J. Trump, so is voter fraud. Almost daily, he proclaims that large-scale voter fraud is happening and that the election is rigged. Politicians across the spectrum have criticized this nonsense as divorced from reality, deleterious to our democracy and unprecedented in our elections.

Its good to see such a strong, bipartisan pushback, but the critics are wrong on that last point. Thinly supported allegations of electoral malfeasance have been deployed throughout American history, often by those who want to restrict the vote.

In the Jim Crow South, discriminatory devices from poll taxes to all-white primaries were justified as a means of fraud prevention. In 1902, Texas adopted a poll tax. Its champions argued in *The Dallas Morning News* that the tax would prevent fraud and protect against corrupt methods at the polls. Their reasoning? If casting a vote is free, then poor people will sell their votes for a trifle.

An 1875 article in *The Houston Telegraph* made clear who the potential vote sellers were: the low, groveling, equal-before-the-law, lazy, purchasable Negro, who pays no taxes, and who must be prevented from neutralizing the vote of a good citizen and taxpayer. The specter of vote buying was also invoked to justify the states all-white primaries.

This strategy was not unique to the South. Around the same time, progressive reformers in the North made similar appeals to justify more elaborate requirements for voter registration. New Jersey, for example, established a voter registration system in 1911 that gave prospective voters four days to register, required voters to re-register every time they failed to vote and applied only to large cities.

History books often portray such measures as well-intentioned responses to the corruption that sometimes characterized early 20th-century urban machine politics. But thats not entirely accurate, according to the pre-eminent voting rights historian Alexander Keyssar of Harvard. What is most striking is not how many but how few documented cases of electoral fraud can be found, he wrote in *The Right to Vote*. Most elections appear to have been honestly conducted, with systematic fraud being the exception, not the rule.

Without such evidence, many Progressive Era reformers justified the new restrictions with thinly disguised appeals to antagonism toward poor, working-class and foreign-born voters, and unabashedly welcomed the prospect of weeding such voters out of the electorate, Mr. Keyssar wrote.

These registration reforms had their intended effect: After New Jersey adopted the 1911 registration law, turnout declined sharply, particularly among African-Americans and immigrants.

Fraud continues to be a rallying cry. Today, states are mandated by federal law to make voter registration opportunities available at Department of Motor Vehicles offices, public assistance agencies and through other means under the National Voter Registration Act, known as the Motor-Voter law.

But in the early 1990s, opponents of Motor-Voter raised fraud concerns. President George H. W. Bush vetoed an early version of the law, admonishing that it was an open invitation to fraud and corruption. That warning proved inaccurate, and today most Americans don't think twice about the propriety of offering voter registration services at D.M.V.s.

Years later, the conservative writer Kevin Williamson warned ominously in National Review that the 2012 election would be marred by fraud and called for the repeal of Motor-Voter. Without much evidence of fraud, he quickly pivoted to another justification, lamenting the ongoing conversion of our republican institutions into so many tribunes of the plebs. He added that it is perfectly fine (and maybe more than that) if fewer people vote.

The truth is that electoral fraud is vanishingly rare. A comprehensive study by Justin Levitt, a senior Justice Department official, found only 31 credible allegations of in-person voter impersonation from 2000 to 2014, during which over one billion ballots were cast.

This brings us to Mr. Trump's recent calls to watch polling places in certain areas. In itself, there is nothing wrong with poll monitoring. States often allow certified observers to watch polls. Trained poll monitors can help prevent mishaps on Election Day, like ensuring that eligible voters don't slip through the cracks because of poll-worker error.

But undisciplined poll watching can degenerate into voter intimidation. In 2013, a Texas federal court found that voting practices in Harris County, home to Houston, had a dilutive effect on Latino voting power, crediting testimony that poll watchers have intimidated Latino voters at the polls, such as inquiring about the voters' citizenship status.

There is still cause for concern. A Trump supporter recently told The Boston Globe that he would racially profile Mexicans. Syrians. People who can't speak American. And he wasn't shy about what he'd do next: "I'm going to go right up behind them," he said, "and make them a little bit nervous."

We're witnessing merely the latest round of efforts to delegitimize and exclude minority and immigrant voters with baseless allegations of fraud. But our commitment to universal suffrage demands that every eligible voter who wants to vote has the chance, free from intimidation and harassment. In this election, unnecessary barriers to the ballot and calls to racially profile voters are the real threats. Voter fraud is not.

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