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The **Democratic Strategist** has three editorial goals—(1) to provide an explicitly and unapologetically partisan platform for the discussion of Democratic political strategy, (2) to insist upon greater use of data and greater reliance on empirical evidence in strategic thinking and (3) to act as a neutral forum and center of discussion for all sectors of the Democratic community.

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A
DEMOCRATIC STRATEGIST
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CONSERVATIVES WILL TRY TO
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DEMS CAN PLAN NOW TO FIGHT BACK.**

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Every Democrat is painfully aware of the widespread GOP/conservative efforts to suppress the Democratic vote in the coming elections. An extensive and [detailed report by Demos and Common Cause](#)¹ has carefully delineated the major problems that exist and searing indictments of the voter suppression strategy have appeared in the *New York Times*², the *Washington Post*³ and a wide range of other national periodicals.

Elizabeth Drew summarized the situation nicely in [a recent New Yorker commentary](#):⁴

...The current voting rights issue is even more serious [than Watergate]: it's a coordinated attempt by a political party to fix the result of a presidential election by restricting the opportunities of members of the opposition party's constituency—most notably blacks—to exercise a Constitutional right. This is the worst thing that has happened to our democratic election system since the late nineteenth century, when legislatures in southern states systematically negated the voting rights blacks had won in the Fifteenth Amendment to the Constitution.

But while the possibility of Romney and other Republican candidates actually winning elections by disenfranchising Democratic voters is the most grotesque threat on the horizon it is also important for Democrats to be aware of a second major danger that springs directly from the first: even if Obama not only wins the election but does so by a sufficient margin to avoid a contested result, the claim that massive voter fraud occurred can and will be used to de-legitimize his victory to millions of Americans and to provide a bogus justification for continued GOP intransigence and political sabotage during his second term.

Unfortunately, both the Republican Party and movement conservatives have the strongest possible incentives to follow this path if Obama is indeed re-elected.

For the GOP, an Obama victory will generate tremendous pressure on the party to moderate their extremist strategy of complete noncooperation and refusal to compromise with the new administration. The claim that Obama was only elected because of massive voting fraud will provide an easy and hypocritically “altruistic” rationalization for them to continue employing their extremist political strategy.

¹<http://www.demos.org/publication/bullies-ballot-box-protecting-freedom-vote-against-wrongful-challenges-and-intimidation>

²<http://www.nytimes.com/2012/09/22/opinion/voter-harassment-circa-2012.html?ref=opinion&pagewanted=print>

³http://www.washingtonpost.com/opinions/the-right-to-vote/2012/07/07/gJQA9IjbUW_story.html

⁴<http://www.nybooks.com/blogs/nyrblog/2012/sep/21/voting-wrongs/>

For movement conservatives, an Obama victory will generate tremendous demoralization among “the troops” and even the most ferocious denunciations of Romney’s ideological weakness and personal ineptitude will not be sufficient to restore their former fighting spirit. The claim that Obama was elected by massive voting fraud, on the other hand, will not only provide an explanation for the conservative defeat but also serve as a rallying cry for continued mobilization and a justification for continued belief that conservatives are still the “real” majority.

It is, of course, completely inevitable that the conservative grass-roots voter fraud groups that have been organized to monitor polling places on Election Day will loudly allege “massive voter fraud” and a stolen election regardless of what actually occurs on November 6th. But for this accusation to gain any significant credibility beyond the circle of already convinced conservatives, an absolutely key requirement will be some kind of dramatic visual evidence of problems or disruptions occurring at polling places. After all, by themselves on-camera interviews with the leaders of the voter fraud monitoring groups—interviews in which these grass-roots “voter vigilantes” will breathlessly allege the existence of busloads of swarthy immigrants and shiftless minorities having been herded from precinct to precinct to vote multiple times—will not be sufficient to convince anyone outside the circle of true believers.

The impact of such charges will be vastly amplified and reinforced, however, if video images of even the smallest and most unrepresentative handful of disruptions at polling places can be obtained and then presented as evidence that something suspicious was actually going on. It is only necessary to remember how Fox News’ relentless repetition of the footage of two motley and rather forlorn “Black Panthers” standing for several minutes in front of a single African-American precinct in 2008 elevated the notion of “thuggish intimidation” of McCain voters into a major national story and an unquestioned truth for millions of Fox viewers.

Most disturbingly, even incidents that are directly and entirely provoked by the actions of the new voter vigilantes themselves will actually serve to bolster and reinforce the bogus accusations of voter fraud. The simple fact is that, from a distance, images of angry people shouting at each other do not reveal what their dispute is about or which side is actually at fault. Any dramatic video images of angry confrontations or disruptions on Election Day, regardless of their actual cause, will powerfully reinforce the false perception that “something fishy” was really going on.

Unfortunately the danger that disruptions will be provoked by the voter vigilantes themselves is extremely high.

In the first place, the grass-roots voter vigilantes are already deeply and passionately convinced that massive voting theft is an established fact. [An article in *The Atlantic*](#)⁵ described one grass roots leader in the following way:

Speaking at one Texas Tea Party gathering, Alan Vera, the Army ranger turned volunteer-trainer, cautioned that “evil” forces were about to launch “*the greatest attack ever on election integrity*,” and implored the crowd to prepare for a “ground war”: “*In 2012, we need a patriot army to stand shoulder to shoulder on the wall of freedom and shout defiantly to those dark powers and principalities, ‘If you want to*

⁵<http://www.theatlantic.com/magazine/archive/2012/10/the-ballot-cops/309085/>

steal this election, you have to get past us. We will not yield another inch to your demonicdeception ... If you won't enforce our laws, we'll do it ourselves, so help us God." Shaking his fist in the air, he cried, "Patriots, let's roll!" The crowd cheered wildly.

(Other activists, of course, are far more cynical. A board member of the Racine county Wisconsin GOP who supervised the county's major voter fraud group in 2010 noted that some precincts might be targeted "*just because it's a heavily skewed Democratic ward.*")

But, for the most part, the conservative ground troops will be utterly committed true believers who are completely convinced that massive voting fraud is occurring and that they are heroic patriots defending the nation from a sinister coup-de-tat.

This problem is then compounded by the fact that the tactics of the voter vigilantes are inherently provocative and extremely likely to provoke conflict.

As a [New York Times editorial](#) noted⁶:

This is how [intimidation of minority voters works] today: In an ostensible hunt for voter fraud, a Tea Party group, "True the Vote," descends on a largely minority precinct and combs the registration records for the slightest misspelling or address error. It uses this information to challenge voters at the polls, and though almost every challenge is baseless, the arguments and delays frustrate those in line and reduce turnout.

In the Scott Walker recall election, Appleton, Wisconsin [provided one specific example](#)⁷:

On Election Day, poll watchers appeared to have slowed voting to a crawl at Lawrence University in Appleton, where some students were attempting to register and vote on the same day. Charlene Peterson, the city clerk in Appleton, said three election observers, including one from True the Vote, were so disruptive that she gave them two warnings. "They were making challenges of certain kinds and just kind of in physical contact with some of the poll workers, leaning over them, checking and looking," said John Lepinski, a poll watcher and former Democratic Party chairman for Outagamie County. He said that as a result of the scrutiny, the line to register moved slowly. Finally, he said, some students gave up and left.

Similarly, in [Houston in 2010](#)⁸:

...poll observers were accused of hovering over voters, blocking lines of people who were trying to cast ballots, and, in the words of Assistant County Attorney Terry O'Rourke, "getting into election workers' faces."

Ohio offers a [clear example of the kinds of tactics](#)⁹ that are available to disenfranchise "undesirable" voters:

⁶<http://www.nytimes.com/2012/09/22/opinion/voter-harassment-circa-2012.html?ref=opinion&pagewanted=print>

⁷<http://www.nytimes.com/2012/09/17/us/politics/groups-like-true-the-vote-are-looking-very-closely-for-voter-fraud.html?hp&pagewanted=print>

⁸<http://www.nytimes.com/2012/09/22/opinion/voter-harassment-circa-2012.html?ref=opinion&pagewanted=print>

⁹<http://www.ragingwisdom.com/?s=ohio+voting&searchsubmit=>

When the voter walks up to the table the first thing they do is state their name, address, and present a “proof of the elector’s identity.” Ohio lets voters use a variety of forms of ID, including a current electric bill, as long as it has the voter’s name and address.

However, the law provides no standards or guidance for precinct election officials in determining whether the form of ID is valid. How does the judge decide whether it is a real ID? If you have any suspicion about its validity can you give the voter a provisional ballot? Do you have to have probable cause in order to reject the ID? Is it a reasonable doubt standard? Giving no guidance for standard of review leaves a loophole large enough to drive a Mack truck through. Here is where the law allows the zealously partisan poll worker to find any minuscule irregularity and make someone vote a provisional ballot.

Of course, the most common form of ID that voters will carry is the driver’s license. Information on the ID will be checked against what the precinct election official sees (your physical appearance & what’s in the poll list or signature poll book). What if you’ve lost a lot of weight since that picture was taken? Is that enough to doubt the ID? What if you have a wildly different hairstyle? Again, where is the standard?

After the ID check, the second vulnerable stop is the signature comparison. The voter is directed to sign in the poll list or signature poll book. Here the poll worker can challenge if they think the signature doesn’t match the one the voter provided on her registration form. The law then provides for a vote of the precinct election officials on whether the signature “substantially conforms” to the one in the signature poll book. Expect some partisan-line voting here with the presiding judge breaking the tie.

The third most obvious vulnerability emerges as a consequence of the others: long lines caused by frivolous challenges. This is most likely to happen at the busier times of day at the polling place. Seeing irregularities everywhere and asking for votes on many disputes will send the queue out the door. Some people will be deterred from voting.

Topping off this highly combustible mixture will be the fact that Fox news and other conservative media groups will be strongly tempted to fan the flames. It is not premature to suggest that Fox, in particular, may be tempted to cross the line between neutrally reporting on disruptions and tacitly encouraging them because the network has a history of engaging in precisely this kind of crowd manipulation. As [a Huffington Post article in 2009](#)¹⁰ noted:

A Fox News Channel producer has been caught in a behind-the-scenes video rallying the crowd during last weekend’s 9/12 protest in Washington. The Huffington Post has confirmed that the woman in the below video — seen raising her arms to rally the crowd behind Griff Jenkins, who was reporting from the scene for Fox News—is Fox News producer Heidi Noonan.... The video shows the producer on her cell phone as she urges the crowd behind Jenkins to cheer louder.

The reality is that whenever disturbances do break out during political events even politically neutral cameramen and reporters can unintentionally inflame the situation. When

¹⁰http://www.huffingtonpost.com/2009/09/19/fox-news-producer-caught_n_292529.html

politically partisan cameramen and reporters rush to capture footage in ways that frame rapidly unfolding events in a conservative way, however, the danger of crowd manipulation becomes vastly greater.

What can be done?

The Demos/Common Cause Report has many specific suggestions for preventing voter disenfranchisement on Election Day. But in regard to the specific issue of preventing disruption and conflict, the key factor is to minimize situations that can be exploited by the conservative media. For this purpose the following four approaches can be useful.

- Neutral election officials should be prepared and encouraged to call for police assistance in maintaining order the moment problems begin to arise and not wait until frustrations have mounted. The militants in the voter vigilante groups will have no hesitation about dismissing virtually all electoral monitors—state, federal or neutral third party—as collaborators in the sinister Democratic conspiracy but they will emphatically not want to be seen as clashing with the local police. The organizers of the voter fraud groups will not want to see video of their militants confronting policemen or news headlines that read *“Voter fraud groups clash with police at polling places.”*
- Democratic observers should be prepared to caution frustrated voters that angry confrontations or disruptive behavior will play directly into the hands of the voter vigilantes and conservative media. In contrast, calm but firm protest and dignified interviews with local TV and other media can dramatically illustrate who are the victims of injustice and who are the victimizers.
- Citizens at polling places should be prepared to relentlessly track and digitally record all Fox news and other GOP-friendly media and cameramen with their cell phones and be prepared to quickly provide local and national TV stations with any video evidence they obtain of conservative photographers and reporters encouraging obstruction or disorder. *“Fox news cameramen provoke clash at polling place”* is headline Rupert Murdoch will most definitely not want to see the day after the elections.
- Democratic election monitoring groups should be prepared and have a system in place to precisely document all legitimate voters who are denied the right to vote because of delay or disruption of the polling place by the voter vigilantes and be ready to use this documentation as the basis for both civil and criminal legal action against any voter fraud groups whose actions result in the disenfranchisement of American citizens.

It is important for Democrats to have systems like these in place by the time Election Day arrives because the very existence of these precautions may restrain the behavior of the voter vigilantes and conservative media and thus help to limit disruptions and allow voting to proceed without incident.

Democrats have one important advantage in this situation: they genuinely want to avoid problems rather than create them and to insure that the election proceeds smoothly and without incident. The promulgators of the “massive voting fraud” myth, on the other hand, will be desperately hoping to find or magnify examples of disruption and confrontation in order to provide some aura of plausibility for their otherwise baseless accusations.