

BRENNAN
CENTER
FOR JUSTICE

**Testimony of
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**Executive Summary
In-Person Voter Fraud:
Myth and Trigger for Disenfranchisement?**

March 12, 2008

The Brennan Center thanks the Committee, and particularly the Chairman and Ranking Member, for the opportunity to testify. This hearing represents a welcome effort to ensure that the serious policy debate around election reform remains grounded in the facts.

The Brennan Center has conducted extensive analysis on allegations of voter fraud, including an assessment of the common methodological flaws that often unduly inflate such allegations. We focus in this hearing on allegations of a particular sort of voter fraud: in-person impersonation fraud, or the attempt to impersonate another voter at the polls.

We conclude from our research that the incidence of actual in-person impersonation fraud is extraordinarily rare. Though it does occur, there are only a handful of recent accounts, several of which have been thoroughly debunked. Even fewer of these accounts have been substantiated in any fashion. During this same period, hundreds of millions of ballots have been cast. The priority placed on the issue and its prominence in the policy debate over the last few years should have fostered the discovery of any substantial quantity of in-person impersonation fraud. In that context, the most notable significance of the incidents that have surfaced is how rare they are. The existing safeguards appear to be working.

Despite this, the myth of in-person impersonation fraud persists, with serious consequences. We have seen restrictions proposed to address this perceived or invented threat, often supported by stories about election fraud or abnormalities that the restrictions would not actually prevent. Further empirical research shows that the problems caused by some of these restrictions are far more serious than the problems they allegedly resolve, affecting millions of legitimate citizens. These policies appear to offer little benefit, and impose substantial cost, compromising the integrity of our elections to the extent that they unduly burden eligible voters' ability to exercise their constitutional rights.

While in-person impersonation fraud is not a problem of any significance, there are real and pressing concerns still confronting the ability of the electorate to vote and have their votes counted. We urge Congress to address these challenges, to ensure that all eligible citizens are able to exercise the franchise effectively.