Voter Fraud Transcript

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**Adia Samba-Quee:** [00:00:00] Civics 101 is supported in part by the Corporation for Public Broadcasting.

**Hannah McCarthy:** [00:00:05] We heard it a lot this year, voter fraud, widespread, rampant election, ruining voter fraud. Yet at the same time, election officials say they can't find the evidence of significant fraud. So what is the truth about voter fraud? This is civics 101. I'm Hannah McCarthy.

**Nick Capodice:** [00:00:22] I'm Nick Capodice.

**Hannah McCarthy:** [00:00:23] And today we're finding out what fraud actually is, how often it happens and what voter fraud allegations tell us about elections.

**Justin Levitt:** [00:00:32] Voter fraud does usually happen.

**Hannah McCarthy:** [00:00:35] This is Justin Levitt, law professor at Loyola Law School in Los Angeles. He says, yes, there are various types of voter fraud and they do happen very rarely.

**Justin Levitt:** [00:00:45] The important thing to know is that real voter fraud is based on breaking the law in some way.

**Nick Capodice:** [00:00:52] So this would be like trying to vote more than once.

**Hannah McCarthy:** [00:00:54] Yes. And impersonating an eligible voter, voting in more than one state or attempting to.

[00:01:00] Laws [00:01:00] vary from state to state, but in many it is a felony to, for example, vote more than once. Sometimes this is nefarious or sometimes it's a relative voting for their deceased loved one to carry out their last wishes. Either way, though, it is illegal but very, very rare.

**Justin Levitt:** [00:01:19] The way to distinguish these real incidents from hot takes that turn out to be fiction is to find real facts that show real wrongdoing against real law. And unfortunately, all too often what we hear are claims of voter fraud that are based in I don't like people who don't think like I do voting.

**Nick Capodice:** [00:01:43] In other words, unsubstantiated voter fraud claims could just be frustration that someone else's candidate won.

**Hannah McCarthy:** [00:01:50] Or confusion.

**Justin Levitt:** [00:01:51] That seems fishy to me, but I don't really understand how the rules of the elections work. And it's real easy to jump really quickly in a conspiratorial [00:02:00] mindset from this. Seems strange, but I don't understand too. That must be fraud.

**Hannah McCarthy:** [00:02:06] Justin gave this example of someone suspecting that it's voter fraud for someone to vote in a state in which they do not live, when actually that's just a misunderstanding of legal absentee voting.

**Justin Levitt:** [00:02:18] Mike Pence votes in Indiana but doesn't live there. Many, many, many, many, many members of the military live in a place that is not their voting residence and vote in a place where they are not currently living. That's not fraud.

**Hannah McCarthy:** [00:02:31] So actual fraud, while it exists, is exceedingly rare. Still, legislators pass laws like voter ID laws that tighten election security in order to prevent widespread fraud from happening. But those laws are really controversial.

**Justin Levitt:** [00:02:47] Every state has some means to make sure that you are who you say you are when you go to. But the question isn't, should we have a way to prove that you are who you say you are? The question is, what kind of things [00:03:00] should we permit in order to make sure that the election system is reasonably secure, while also making sure that we are not unreasonably locking out eligible voters?

**Hannah McCarthy:** [00:03:10] Justin says it's important to recognize that insistences of voter fraud with no evidence of voter fraud gives you insight into how voters are feeling. It has to do with intense emotion rather than clear fact.

**Justin Levitt:** [00:03:24] They're expressions of frustration. They're expressions of anguish. They are communications about disengagement with the system that we have there often not really about whether the law was broken in a particular way in a particular jurisdiction. But if we can recognize that a large part of that conversation is expressing some other deeper disengagement that may help point the way toward embracing all of the voters who participate in the process.

**Hannah McCarthy:** [00:03:54] We have far from solved the problem of voter fraud, real or imagined.

[00:03:58] But here's to hoping we've shed a little light [00:04:00] on a murky idea. If you have any questions about the way things are working or not in this country, we will try to find the answers, even if they are dissatisfying. Just click the button at the top of our home page at Civics101podcast.org.