

Working to stack the deck for 2012 presidential election

Despite their landslide victory in 2010, Republican politicians across the country are running scared for 2012.

And with good reason. The presidential electorate is quite different from that of midterm elections — a difference of some 42 million, or almost one-third. In the 2008 presidential contest, 132 million votes were cast across the country, compared with 90 million in 2010.

The difference is largely made up of young and nonwhite voters who did not bother to vote in the midterm years. Republicans are going to try to make sure these same groups don't vote in 2012 either — by tactics that will keep them off the rolls.

Those tactics range from legislation that will prohibit college students from voting in their campus districts, to requiring voters produce photo IDs at the polls, to outright intimidation — and, in at least one case, Wisconsin, repealing a state law that allows new voters to register and vote on Election Day itself.

This new movement runs exactly contrary to national policy proclaimed in the Help America Vote Act, adopted by Congress in the aftermath of the disputed 2000 presidential election in order to avoid butterfly ballots, hanging chads and other voting devices that nullified the votes of millions of citizens.

The photo-ID requirement appears, at the moment, to be the instrument of choice for those who are out to reduce “the Obama electorate.”

Variations already exist in eight states, and even more restrictive legislation is pending in some 30 more. Opponents point out that it is the young and the poor who are more likely not to possess photo IDs, especially in states that require official government-issued documents.

Even the conservative Cato Institute has referred to these voter ID laws as being “a handy solution to address a nonproblem,” noting that such legislation would have no impact on those areas most vulnerable to fraud, such as absentee or mail-in voting. Cato's real concern is that voter ID is a step toward a national identification card, an idea the libertarian think tank opposes.

So far as the effort to interfere with college students voting, we can at least be sure that will not happen in New Jersey. It was 39 years ago that our state Supreme Court condemned the Mercer County Board of Elections for refusing to allow students at county colleges to choose to register from their campus addresses, rather than their parents' homes.

The other anti-voting device being pressed by right-wing organizations is what is pejoratively known as “caging.” That involves challenging the credentials of those who come to vote, hoping to scare off some voters, or to at least slow down the process in hopes that others will give up

and go home. It was a process first perfected in Newark by the Imperiale machine during the historic 1970 campaign, when Kenneth Gibson was elected the city's first black mayor.

The practice was brought to national attention again in the 1980s, also in New Jersey, when a federal judge in Newark joined the national Republican Party from engaging in such tactics.

The latest version of this tactic will be rolled out in Houston on Friday under the auspices of a Texas tea party group called "True the Vote" at a national summit to train hundreds of volunteers to act as poll watchers equipped to challenge voters at precincts around the country in 2012.

So already the 2012 presidential election is shaping up not only as a contest between candidates, but as a real fight over who will be allowed to vote.

Frank Askin is a professor of law and director of the Constitutional Litigation Clinic at Rutgers Law School-Newark.

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[Gregory](#) March 23, 2011 at 5:15PM

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You cannot beat revisionist history. Askin never misses a chance to bash Conservatives.

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[luvsewemore](#) March 23, 2011 at 5:44PM
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The "conservatives" are hardly that, and they aren't even bothering to pretend they aren't trying to game the system any more. For some reason they think they have a mandate from the American people.

The backlash is going to knock them on their clueless assets.

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[phil](#) March 23, 2011 at 7:51PM
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The conservative stand seems to be that of the communist of the 50's. We will run the public jobs, determine what the livable wage is and pay them that. They will do what they are told for the good of the people... not the america I want to be in.

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[FairfieldFox](#) March 23, 2011 at 9:07PM
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Let's increase voter fraud. While you have to be a citizen to vote, and need a facility in English to become a citizen...why are voting booth notices printed in Hispanic? Hmm.

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[estowisdom](#) March 23, 2011 at 9:14PM
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Frank Askin is just one of many clueless professors polluting the minds at Rutgers. Little wonder that this article is a left wing rant. Where was your voice Frank when the New Black Panthers were violating voters rights in Philadelphia or the SEIU goons showed up to intimidate voters. I know you Liberals hate the rule of law and actually allowing only eligible voters to vote. You

also detest the prohibition against multiple voting. Why is it that every statistic on voter fraud shows that it is overwhelmingly by Democratic shills.

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[yuckster](#) March 23, 2011 at 10:46PM
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Requiring voters to produce ID's? Well, that would mean there would be less voter fraud which is obviously a violation of one's civil rights!

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[rintrah](#) March 24, 2011 at 12:06PM
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Getting late to this lame discussion, but to all of you commentators who claim there is massive voter fraud, I'd ask you to provide even one tiny bit of proof. Illegals stay away from the polls for fear of being deported. Show us some actual data before you make people listen to your fraudulent allegations of voter fraud. The fact of the matter is that voter photo ID requirements is a blatant attempt to lower the turnout of the young, the urban (w/o driver's licenses) and the elderly, all of whom vote Democratic in large numbers.

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[BWilhm](#) March 23, 2011 at 11:45PM
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Mr. Askin, You have the privilege to live in America where you can freely express your opinions, but you cross the line when you fabricate facts to demean others. Your description of the True the Vote National Summit is completely untrue displaying your ignorance about the meeting itself and the orientation of this group of volunteer citizens. The facts are that the True the Vote initiative in Harris County, Texas identified, documented and reported fraudulent and illegal acts in both the voter registration process and at the polls during the 2010 General Election. These findings were turned over to local, state, and federal authorities for action. The fact is that every illegal vote allowed offsets the vote of a legitimate voter and thereby disenfranchises the legitimate voter. The True the Vote initiative is dedicated to actively protecting the rights of legitimate voters from ill-meaning poll workers, ill-meaning individuals registering voters, and ill-meaning political operatives, regardless of their political party

affiliation. The National Summit you reference intends to share these successful voter protection processes with other like-minded citizen groups in America. For you to speak against this group aligns you with the fraudsters.

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[joiseydude](#) March 24, 2011 at 9:29AM
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Professor Askin: There's one thing I can assure you about, voters are totally fed up with BOTH parties. The current two party system is failing miserably, and the media & political pundits continue to ignore this. While our country sinks into a morass of debt, our elected officials continue to avoid responsible action, and instead do nothing except dance around the edges. Our budget crisis could be fixed very quickly if the sacred cows in each party were led to slaughter. The GOP keeps punding their chests about the need for drastic budget cuts, but is anyone in that party talking about eliminating the hundreds of billions in taxpayer subsidies to BIG OIL? Of course not. Did we ever get our opil lease royalty payments? Nope. Why isn't Obama & Co. pressing the GOP on this?

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[bk](#) March 24, 2011 at 9:54AM
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Frankie, relax! The Republicans will self-destruct with another "Sharron Angle" candidate who will use the Second Amendment to shoot themselves in the foot at every opportunity. Barak Hussein Obama's (um um um) reelection is assured.

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[wdillon](#) March 24, 2011 at 1:08PM
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As estowisdom so aptly pointed out when the Black Panthers stood in front of a Phila. polling place intimidating voters with clubs you don't hear a word. And while Askin is quick to point out what he feels are Republican efforts to suppress the vote how quick he forgets Al Gore and the Democratic Party going to court to disallow the votes of military personnel serving overseas.

The votes of our servicemen in uniform are suspect but the votes of undocumented voters without ID are no problem.

I was required to produce three forms of ID two with pictures to get my drivers license renewed buy casting a vote for who's going to lead this country should remain anonymous.

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[matt8204](#) March 24, 2011 at 2:41PM
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It doesn't matter. Unless the economy goes into a depression, Obama's going to win re-election easily. The GOP field is weak to say the very least and this is coming from someone who leans conservative. Obama will eat these candidates for lunch. Michelle Bachman? Please. She thinks that race was never an issue in this country and that the Founding Fathers ended slavery. Haley Barbour conveniently can't remember the violence that erupted over civil rights and the rest of the field doesn't excite me at all.

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[wdillon](#) March 24, 2011 at 4:44PM
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BK and Askin give us a great opportunity to see the real difference in the voters for the next election.

Remember George Hurbert Walker Bush AKA Bush I. His infamous line "read my lips, no new taxes" cost him the election. Not with the left , they weren't going to vote with him in the first place. But among his base, conservatives, we believe words have meaning. Just like with McCain, don't act one way and campaign another, we won't come out and vote for you..

Now let's look at BK and Frank. They feel Obama will win the next election and are ready to support him 100%. So what are they supporting?

Obama ran on ending both wars in the first 90 days of his administration. Not only are both wars still being fought. Afganistan has been expanded under his watch and now a third conflict has been added to the mix. BK and Frank can now cast their ballots.

BK and Frank voted for Obama because as he promised in his campaign he would close Gitmo and try terrorists in civilian courts. Well we all know Gitmo is still open for business and military tribunals have been reinstated. BK and Frank will now pull the lever.

Their candidate Obama ran on ending the Bush Tax Cuts for the greedy wealthy within 30 days of his election. Well bk and Frank's candidate extended those cuts and then took credit for a drop in unemployment based on his actions. BK and Frank will now answer the exit poll.

Then there's the Patriot Act. That ominous legislation that took away all our freedoms and created a big brother scenario. Obama campaigned on ending all provisions of the Act. But once in office he extended virtually all provisions of the Act as they were put in place. BK and Frank are encouraging their friends to also pull the lever.

So here's the difference. Lie to your conservative base and you'll most likely be out of office. Lie to BK and Frank and being totally blind ideologues it doesn't matter what you do. They will blindly support the party line no questions asked.

They are supporting all of the same policies they condemned Bush for because now their being touted by their candidate.

In the end BK and Frank stand for absolutely nothing. Bombing a country with no national security threat to the U.S. if done by Bush, he's a war criminal. If done by Obama, he's a humanitarian hero.

BK and Frank stand for nothing as do most on the left.

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[wdillon](#) March 24, 2011 at 5:05PM
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Here's the real point. BK is irrelevant. Frank is teaching our young people. Be afraid, Be very afraid.

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[BWilhm](#) March 25, 2011 at 10:34AM
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Rintrah, Sadly. it is your talking points that are lame. The True the Vote initiative submitted more than 700 documented instances of Election Irregularities in the 2010 General Election in Harris County, Texas, among these was voter impersonation. A person shows up at the polls with a utility bill as identification, claiming to be the person listed. Poll Workers find that name on their voting rolls without a vote in the current election. The person votes. Later in the day another person arrives claiming to be the same person, but is prevented from voting because their voting right has already been exercised. This gets reported over and over, but there is no way to

challenge the original voter or even identify who they were. Therefore, no way to prosecute the offenders. Voter ID legislation stops this.

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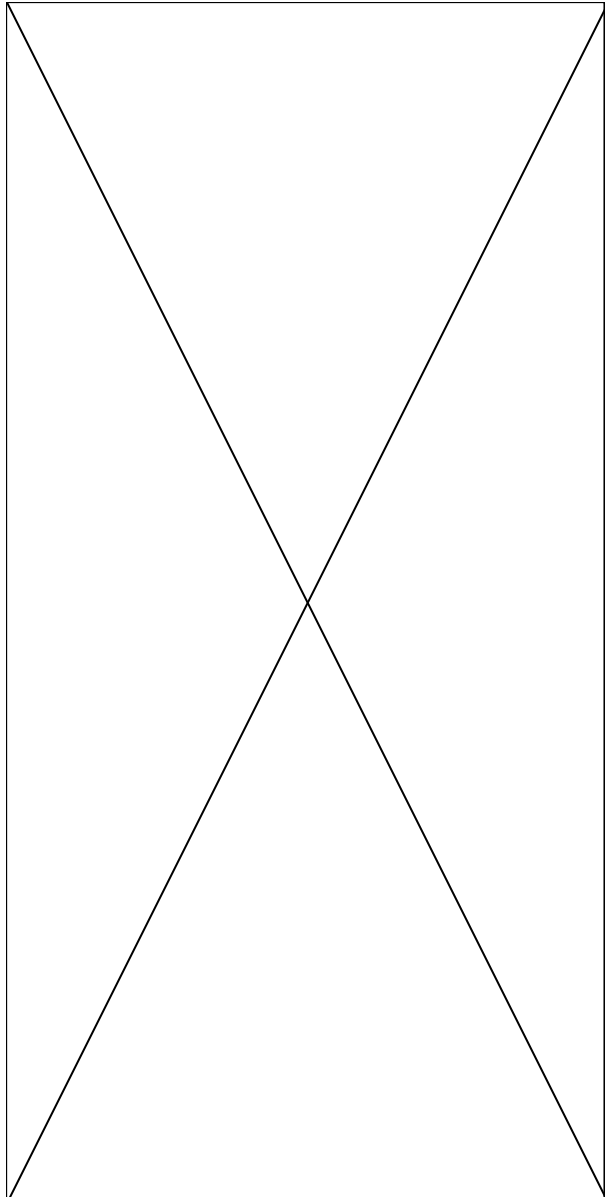
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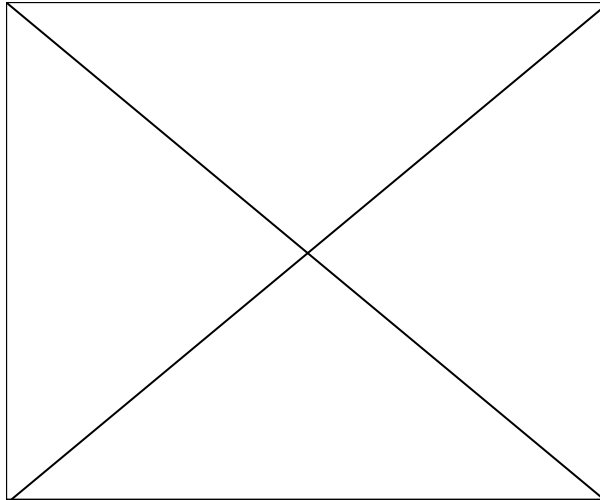
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