



The Paramount Importance of Election Integrity

In the 2020 U.S. presidential election, 158 million votes were cast. More than 100 million of these votes were cast before Election Day by early voting or mail ballot. This represented the highest turnout as a percentage of eligible voters since 1900. Covid-19 had led many state legislatures, courts or election officials to greatly loosen the rules for early voting and mail-in votes, in some cases in violation of express provisions in state constitutions or statutes. Reports of chaotic vote counting and vote fraud led President Trump and his allies to charge that the election was stolen.

Whatever the full merits of the charge of a “stolen election,” the election revealed serious problems, which some states have sought to address in subsequent legislation. Republicans last year pushed through 33 laws creating new voting rules in 19 states, while other states have bills pending to improve ballot security.¹

What Happened in the 2020 Election

State legislatures—some Republican-controlled—courts and election officials expanded mail-in voting in 2020, even though there were ample reasons to worry about this expansion. As early as 2005, a bipartisan commission co-chaired by former President Jimmy Carter found absentee balloting constituted the biggest source of potential fraud in American elections.² The commission warned that large-scale absentee balloting, ballot harvesting and unsupervised drop boxes all presented opportunities for voter fraud. Furthermore, the commission report worried about privately funded ballot management; the need for cross-listing of registration rolls to prevent deceased persons or non-residents from voting; and a range of other potential problems.

These warnings proved all too prescient in the 2020 presidential election. In their rush to safeguard public health, state legislatures or election officials pushed through measures for unrestricted mail-in voting, unsupervised drop-boxes, and little oversight for ballot harvesting by third parties. Most of these states had little experience with widespread mail-in voting, and their staffs were unprepared

to handle the volume of ballots received. Charges of fraud and a stolen election were inevitable in this environment. Both the Republican and Democratic parties mobilized voters for unprecedented turnout in the 2020 election. Access to voting by mail encouraged people to vote, but the results of the vote raised concerns about the counting process and the integrity of the votes.

A recent analysis by economist John R. Lott compared Democratic-dominated areas to Republican-dominated areas over the past two presidential elections. Looking at six swing states, he determined that voter turnout in Republican areas increased from 2016 to 2020 while voter turnout among Democrats dropped — *except in places where voter fraud was alleged*. That accounted for 255,000 “excess” votes for Biden above what would be expected.

Other 2020 election problems identified by Lott’s paper, which has been accepted for publication in the peer-reviewed journal *Public Choice*, include the following:

- Georgia, Nevada, Pennsylvania and Wisconsin did not match signatures on the outer mail-in envelopes to the official registration records. Some states, including Pennsylvania, accepted ballots that were not enclosed in outer envelopes. These acts are in violation of the laws in many states and make it impossible to verify a vote’s legitimacy.
- Trump’s absentee ballot share in the Fulton County, Georgia precincts was depressed compared to adjoining precincts. The largest estimate of depressed Trump votes was more than Biden’s margin in Georgia.
- In Pennsylvania and other states, numerous voters trying to vote in person were told they had already voted absentee, suggesting that someone else had voted using their name.
- In Nevada, 42,000 people voted more than once, 1,500 dead people voted and 19,000 did not have a Nevada residence.
- In Wisconsin 28,395 people voted without identification.

- In Georgia, Nevada and Pennsylvania, the rejection of improper absentee ballots in 2020 was only a small fraction of those rejected in 2016.

Lott stated that his intent was not to contest the 2020 election, but to “point out that we have a real problem that needs to be dealt with. Americans must have confidence in future elections.”³ The most serious problem was the 2020 changes made to absentee and mail-in voting procedures in many states.

Big Tech’s involvement in the 2020 election raised other issues. Silicon Valley felt regretfully complicit in Trump’s 2016 election to the White House. At a Google company-wide meeting shortly following that election, Kent Walker, Google’s senior vice president for global affairs, said that Trump’s victory was a result of “xenophobia, hatred, and a desire for answers that may or may not be there.”⁴

At Facebook, there was a similar response: Trump must be stopped from reelection. In December 2016, Facebook CEO Mark Zuckerberg adopted a new policy of combatting “fake news” by paying media outlets to “fact-check” news on its site. An internal document circulated called “The Good Censor” that declared, “Free speech has become a social, economic, and political weapon.”⁵ Twitter and Facebook, through their “fact checkers,” began banning users who posted what was considered misinformation or inflammatory comments about public health (Covid-19) or political/social issues. Flagrant censorship came when Big Tech banned the *New York Post*, which had broken the story on Hunter Biden’s notorious abandoned laptop computer in October 2020.

More direct Big Tech influence on the 2020 election came through Mark Zuckerberg and his wife, Priscilla. The Chan Zuckerberg Initiative, an organization led by Priscilla, donated more than \$400 million to influence the 2020 election in favor of the Democrats. “Zuck Bucks” were funneled through the Center for Tech and Civic Life and the Center for Election Innovation and Research to fund voter outreach efforts—which turned out to be largely in Democratic districts.⁶

The Progressive Response

The progressive response to the 2020 election has been to double down, as evidenced by H.R. 1, a bill that passed the U.S. House of Representatives last year, but was filibustered in the Senate.

H.R. 1 is an effort to arrogate the power of states to regulate voter registration and the voting process. The bill would force states to implement early voting and automatic voter

registration including same-day and online registration. Same-day registration prevents election officials from verifying the accuracy of voter registration information or voter eligibility. The bill mandates that states automatically register individuals from state databases including state motor vehicle, correction and welfare offices, as well as from federal agency databases such as the Federal Bureau of Prisons. The bill even requires states to allow 16- and 17-year-olds to register to vote.

H.R. 1 would require states to count ballots cast by voters outside of their assigned precincts; to allow absentee ballots for any reason; and to accept absentee ballots received up to 10 days after Election Day. It bans requirements for witness signature or notarization for absentee ballots and prevents states from using the U.S. Postal Service’s national change-of-address system to detect multiple state registrations by an individual. In addition, states would be compelled to restore the ability of felons to vote.

As radical and constitutionally suspect as this bill appears, it still does not fully satisfy the far-left wing of the Democratic Party, which wants to mandate universal mail-in voting and bar states from passing certain voter-identification requirements.

Ballot Security in Georgia

Following the disputed 2020 presidential election, a number of states, most notably Georgia, Texas and Arizona, passed legislation to improve election integrity, often while encouraging voter participation.

The Georgia law, signed by Governor Brian Kemp in the spring of 2021, addresses many of the issues raised in the 2020 presidential election. Georgia’s 98-page election act placed new restrictions on absentee voting, while expanding early voting opportunities. The act establishes an identification requirement for absentee voting, sets strict rules for drop boxes, and requires more oversight by state and local election officials. Specifically, the act requires at least 17 days of early voting, including two Saturdays of early voting, with a county option of offering voting on Sundays as well. Counties must operate early voting from at least 9 a.m. until 5 p.m., and may choose to expand the hours to 7 a.m. until 7 p.m.⁷

Voters requesting and returning ballots by mail must submit a driver’s license or state ID number. If a voter does not have a state driver’s license or state ID number, a photocopy of a different form of identification including the last four digits of the voter’s Social Security number may be submitted. Ballot applications may be requested up to 78 days before an election, which shortens the previous 180-day request

period. State government officials are forbidden to send unsolicited ballot request forms to voters. The law mandates at least one drop box per county, but restricts where the box may be placed and accessed.

To ensure quicker election returns, the law requires counties to report returns from absentee ballots by 5 p.m. the day after Election Day. Certification of results must occur within six days, rather than the previous ten days. Food and drink distribution to voters by non-poll workers is prohibited, but “self-service” water stands are allowed. Voting opportunity is expanded by requiring precincts with more than 2,000 voters to add more precincts or add more resources to reduce waiting times.

Reform in Texas

In September 2021 Texas Governor Greg Abbott signed an election integrity bill. The Republican-led legislature approved this bill during a special session, after Democrats had blocked a previous version of the measure by fleeing the state for weeks to deny the House a quorum to conduct business.

The act codifies into law that poll watchers should be able to “see or hear” any activity happening in a polling place. Poll watchers are required under the law to take online training and have to affirm under oath, “I will not disrupt the voting process or harass voters in the discharge of my duties.”⁸

The law requires voter ID for people casting mail ballots, rather than just signature verification. Much like the Georgia law, this requirement allows a wide variety of forms of identification, including driver’s licenses, passports, government documents that show the voter’s name and address, a utility bill, paycheck, bank statement, birth certificate, the last four digits of Social Security numbers, and other forms of photo ID. Moreover, the voter may affirm that he has not been issued any of the above documents and he may still vote.

The Texas law bars “ballot harvesting,” in which partisan operatives gather dozens to thousands of mail ballots from voters. Individuals providing voting assistance to seven or more people are required to fill out a form. Drive-through voting is outlawed. Hours for polling places are limited to no earlier than 6 a.m. and no later than 10 p.m. The law prohibits sending out mail ballots to those who did not request them. However, the law permits candidates and political parties to distribute mail ballot applications to people who did not request one.

New requirements are placed on those assisting people with disabilities. The person providing assistance may only help

with reading the ballot to the voter and, if asked, may mark the ballot. The state is charged with making a monthly review to keep non-citizens off the voter rolls.

Like the Georgia act, the Texas act was assailed by Democrats who charged that it was another attempt by Republicans to suppress the minority vote. James Slattery, an attorney with the progressive Texas Civil Rights Project, said the act was an attack on “voters of color.”⁹ Slattery’s caricature of the legislation expressed the perennial progressive response to election reform: It’s all about racism under the guise of election integrity.

In a speech given in Atlanta in January, President Biden pumped up the racist charge by again attacking the new Georgia voting legislation as support for segregation. (See the May 2021 *Mindszenty Report* for earlier denunciations of the Georgia law by Biden and others.) The president went over the top by asking Georgia legislators if they wanted to be on “the side of Dr. King or George Wallace? Do you want to be on the side of John Lewis or Bull Connor? Do you want to be on the side of Abraham Lincoln or Jefferson Davis?”¹⁰

Overheated Rhetoric

Biden went on to claim that the new Georgia law “actually makes it illegal—think of this—I mean, it’s 2020, and now ’22, going into that election—it makes it illegal to bring your neighbors, your fellow voters food or water while they wait in line.”¹¹ The absurdity of this claim was quickly pointed out by Republicans. The law prohibits outside groups or people from distributing anything that could be seen as a gift to voters, and is far from unique to Georgia.

Failed presidential candidate Hillary Clinton upped the race rhetoric by writing an op-ed for *Democracy Docket* in July 2021, warning that Republican-led election integrity laws in Georgia, Florida and Arizona represent a “clear attempt to move away from a pluralistic, multi-racial democracy and toward white supremacist authoritarianism.” She blamed the Supreme Court and Trump’s nominees to the Court as being “more hostile to voting rights today than when it gutted a crucial provision of the Voting Rights Act in 2013.” She went on to say that white supremacists and conspiracy theorists were emboldened by Trump and “the international movement against liberal democracy.”¹²

Such rhetoric set the stage for the Department of Justice under Biden’s Attorney General Merrick Garland to file suit against Georgia’s Election Integrity Act. Other state voting laws came under similar attack by progressives.¹³ Meanwhile, a March 2021 presidential executive order entitled “Promoting Access to Voting” is making its way through the

federal agencies with secretive planning and dubious constitutional authority.¹⁴

Demagoguery and Reality

Progressives who charge that proper voter identification is racist do a disservice to the truth and the nation. Requiring proper identification to vote is necessary for maintaining trust in the democratic process. John Lott has pointed out that virtually all of Europe and almost all developed countries require in-person voters to use photo ID to vote; and the vast majority ban absentee ballots for people living in their country.¹⁵ The fierce debate over voter ID in the U.S. political arena and the courts, with frequent attempts to equate photo ID requirements with racist motives, manifests partisanship at its worst, an attempt to gin up base voters.

This debate continues. In the end, common sense should prevail. Average Americans understand that fair elections are the foundation of American democracy. Ballot security should not be a partisan issue. Voting is a precious gift, not found in every country. Like all things precious, our votes need to be protected.

¹ <https://www.usnews.com/news/politics/articles/2022-02-12/on-voting-rights-bidens-power-to-act-on-his-own-is-limited>.

² Mollie Hemingway, *Rigged: How the Media, Big Tech, and the Democrats Seized Our Elections* (2021).

³ <https://www.washingtontimes.com/news/2022/mar/28/joe-biden-got-255000-excess-votes-fraud-tainted-sw/>; <https://issuesinsights.com/2022/03/30/are-we-sure-the-2020-election-was-clean/>; and <https://wattsupwiththat.com/2022/03/30/a-peer-reviewed-statistical-analysis-of-the-2020-election/>. For an encyclopedic tally of reports of election irregularities in the 2020 election, see the three-volume *Navarro Report* by former Trump White House adviser Peter Navarro, February 2, 2021, peternavarro.com/the-navarro-report/. See also a blistering interim report issued on April 6, 2022 by Arizona Attorney General Mark Brnovich to the president of the Arizona Senate, detailing “serious vulnerabilities that must be addressed” and “raising questions about the 2020 election in Arizona.” He stated that he was readying criminal and civil fraud charges against individuals in connection with that election. <https://www.washingtonexaminer.com/opinion/washington-secrets/ariz-ag-elections-crimes-in-maricopa-vote-raises-questions-about-2020>.

⁴ Psychologist Robert Epstein, former editor in chief of *Psychology Today*, analyzed Google search results in 2016. He found that “all 10 positions of [Google] searches” were biased in favor of Hillary Clinton. In 2020, Epstein continued to monitor Google results using 700 volunteers in three swing states. He concluded, “Google search results were strongly biased in favor of liberals and Democrats.” Quoted in Mollie Hemingway, *Rigged*, pp. 191 and 198.

⁵ *Ibid.*, p. 199.

⁶ <https://www.washingtontimes.com/news/2022/apr/12/mark-zuckerbergs-donations-rigged-the-2020-electio/>.

⁷ Good summaries of Georgia’s new law are found in Adam Brewster, Caitlin Huey-Burns,

“What Georgia’s New Voting Law Really Does—9 Facts,” *CBS News*, April 7, 2021; and Lori Robertson and Eugene Kiely, “FactChecking Claims about the Georgia Voting Law,” *FactCheck.org*, April 6, 2021.

⁸ Tyler Olson, “What’s in the Texas Election Law Signed by Governor Abbott?” *Fox News*, September 8, 2021; Eric Bradner, “The New Texas Voting Law Includes 7 Major Changes,” *CNN*, September 8, 2021.

⁹ Ashley Lopez, “Here’s What’s in the Texas Republicans’ New Voting Law,” *Houston Public Media*, September 7, 2021.

¹⁰ Andrew Mark Miller, “Biden Links Republicans with Segregationist George Wallace, Whom the President Himself Has Praised,” *Fox News*, January 12, 2022.

¹¹ *Ibid.*

¹² Joshua Caplan, “Hillary Clinton Claims Election Integrity Bills Are a Move Toward ‘White Supremacist Authoritarianism,’” *Breitbart*, July 7, 2021.

¹³ See n. 8.

¹⁴ Tarren Bragdon and Stewart Whitson, “Voter Drive: What’s Biden Hiding,” *Wall Street Journal*, April 20, 2022.

¹⁵ John R. Lott, “Why Do Most Countries Require Photo Voter IDs? They Have Seen Massive Vote Fraud Problems,” Crime Prevention Research Center, May 18, 2021, <https://ssrn.com/abstract+3849068>.

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