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Vote Suppression in a Digital Age

Essay by [Tova Andrea Wang](#), October 22, 2008

*A version of this piece was [published](#) in the Miami Herald on October 19, 2008. It is based on a recently released report: [“Deceptive Practices 2.0 Legal and Policy Responses”](#) written by Common Cause, the Lawyers Committee for Civil Rights under Law and the Century Foundation.**

In the last several election cycles, “deceptive practices” have been used to suppress voting and skew election results. Usually targeted at minorities and in minority neighborhoods, such activities intentionally disseminate false or misleading information that ultimately disenfranchises potential voters. Historically, deceptive practices have usually taken the form of flyers posted in a particular neighborhood; more recently [“robocalls”](#) have targeted voters. Now, we must prepare for deceptive practices 2.0: false information disseminated via the Internet, email, and other new media.

In the past, the worst deceptive practices have relied upon flyers distributed in minority communities. This was rampant in 2004. In Milwaukee, Wisconsin, [fliers](#) supposedly from the “Milwaukee Black Voters League” flooded minority neighborhoods claiming wild inaccuracies: “If you’ve already voted in any election this year, you can’t vote in the presidential election; If anybody in your family has ever been found guilty of anything, you can’t vote in the presidential election; If you violate any of these laws, you can get ten years in prison and your children will get taken away from you.” In Pennsylvania, a letter “informed” voters that Republicans would vote on November 2 and Democrats would vote on November 3—the day after the election. [Similar fliers](#) were distributed at Ross Park Mall in Allegheny County. In Ohio, [a memo](#) on counterfeit Board of Elections letterhead warned voters that anyone registered by the NAACP, ACT, the Kerry campaign, or their local Congressional campaign was disqualified and wouldn’t be able to vote until the next election.

More recently, [robocalls](#) have been [the weapon of choice](#). According to the National Network for Election Reform, [during elections in Virginia, Colorado and New Mexico](#), registered voters received calls claiming that their registration had been canceled and they would be arrested if they tried to vote.

In the context of the 2008 Presidential election, the crucial question is: How might such activities be adapted to cyberspace?

Emails can appear to come from reputable sources, (a campaign, an election office, a political party or a nonprofit organization) but actually contain false information about the voting process (date, time, location, rules). Partisan mischief-makers with a bit of technological knowledge could spoof the official sites of secretaries of state, voting rights organizations or local election boards and further disrupt the voting process. Cyber tactics, such as [pharming](#) could be used to redirect users from an official site to a bogus one.

Such activities have already begun: emails have been going around with misinformation about whether [voters can wear campaign clothing to the polling place](#), how [straight ticket voting works in Texas](#), and [what the voter ID rules in Florida are](#).

We have reason to want to flag these online potentialities because of what has gone on in the campaign context as well. For example, a series of fake campaign websites materialized during the primaries, including FredThomsonForum.com, RudyGiulianiForum.com, and MittRomneyforum.com (now all 404s). Phony campaign websites have also duped people into making campaign donations that actually go into someone's pocket; in 2004, phishers set up a fictitious website purporting to be for the Democrats that stole the user's credit card number, and another site that had users call a for-fee 1-900 number.** This year, an Internet site was set up offering to register people to vote for \$9.95, a process that is free.***

[Emails with false information](#) were routinely created in the context of the presidential campaign, with Barack Obama as the most prominent target of cyber-attacks. Several disturbingly-titled emails circulated widely, including "Who Is Barack Obama?" and "Can a good Muslim become a good American?" Email smear campaigns are especially difficult to restrain because their sources are not easily identified and the messages can continue to circulate indefinitely.

In response to viral rumors, the Obama campaign established a link on its campaign website to address them. On [this site](#) the campaign provided concise responses to each summarized smear headline. From here the reader could delve into each rebuttal for a more detailed - and accurate - assessment of the facts.

In addition, the campaign utilized the viral nature of the web by encouraging supporters to send their own emails to their networks to debunk rumors. The campaign website provided an email address to which anyone could forward suspicious-looking emails to the campaign so that they could be addressed immediately.

There are also several websites dedicated to the debunking of political and other types of myths both on and offline. Such sites include FactCheck.org, PolitiFact.com, and Snopes.com. BreaktheChain.org is dedicated to setting straight email chain rumors spread through forwarded messages.

Perhaps there are some lessons here that elections officials, the media, and the voting rights community can adopt as deceptive practices invade cyberspace. For example, elections officials should use websites to provide detailed, accurate information; they must advertise the existence of these sites widely. They can use mainstream media to inform people of their rights and to advise them not to be taken in by any emails they may receive about the process. They must also be in a position to quickly and loudly debunk false online rumors through the web and the mainstream media, as well as through the networks of voting rights and community organizations.

Moreover, bloggers and other online journalists can play a role by quickly spotting malicious campaigns and exposing them. A new independent website like the ones described above could be created, or one of these websites could take on the job of combating voting misinformation.

There may be some technology tools that we can use in the future to combat these challenges to our voting system. But for now, it is as it has always been: the best way to fight bad information will be by drowning it out with good information.

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References

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Lawyers Committee for Civil Rights Under Law, with the tremendous pro bono assistance of the law firms Ropes & Gray and Morrison & Foerster. It details the ways in which misinformation may be electronically disseminated, state and federal laws that can be used to deter and punish such acts, and a series of recommendations for elections officials, voters, voting rights groups, and the press.

***Oliver Friedrichs, "Cybercrimes and Politics," in Crimeware, Markus Jakobsson, Zulfikar Ramzan, eds., Symantec Press, 2008.*

**** Erik Larsen, "Clerk Warns of Internet Deception," Asbury Park Press, July 29, 2008.*

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