



Written by [Kurt Hyde](#) on May 23, 2017

Presidential Commission on Election Integrity Being Formed — But Will It Succeed?

On May 11, President Trump signed an executive order creating the Presidential Advisory Commission on Election Integrity. The mission of this advisory body is to file a report to the president detailing which aspects of federal elections are enhancing voter confidence and those aspects of elections that are not. Additionally, the group is charged with the responsibility to report on such election vulnerabilities as improper or fraudulent voter registrations and improper or fraudulent voting.



The commission, when all appointments are completed, will have 15 members with Vice President Pence chairing the commission. Kansas Secretary of State Kris Kobach has already been named vice chair. The executive order requires this commission to hold public meetings. The members of this commission are to serve without pay, but will be reimbursed for travel expenses. The federal government will pay normal administrative expenses including necessary staff. The executive order has a sunset provision requiring the commission to cease to exist 30 days after filing its report.

Evidence that fraud is likely rampant was published after the 2013 elections — as well as evidence that embedded political partisans safeguard illegal voting. [National Review wrote in 2014](#),

New York City's watchdog Department of Investigations has just provided the latest evidence of how easy it is to commit voter fraud that is almost undetectable. DOI undercover agents showed up at 63 polling places last fall and pretended to be voters who should have been turned away by election officials; the agents assumed the names of individuals who had died or moved out of town, or who were sitting in jail. In 61 instances, or 97 percent of the time, the testers were allowed to vote. Those who did vote cast only a write-in vote for a "John Test" so as to not affect the outcome of any contest. DOI published its findings two weeks ago in a searing 70-page report accusing the city's Board of Elections of incompetence, waste, nepotism, and lax procedures. The Board of Elections, which has a \$750 million annual budget and a work force of 350 people, reacted in classic bureaucratic fashion, which prompted one city paper to deride it as "a 21st-century survivor of Boss Tweed-style politics." The Board approved a resolution referring the DOI's investigators for prosecution. It also asked the state's attorney general to determine whether DOI had violated the civil rights of voters who had moved or are felons, and it sent a letter of complaint to Mayor Bill de Blasio.

... You'd think more media outlets would have been interested, because the sloppiness revealed in the DOI report is mind-boggling. Young undercover agents were able to vote using the names of people three times their age, people who in fact were dead. In one example, a 24-year female agent gave the name of someone who had died in 2012 at age 87.

The commission will have its work cut out for it, but based on some of the appointments so far, the



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commission has a real chance of determining whether or not there was large-scale voting by non-citizens or other ineligible voters in the 2016 general elections. That is if the commission is formed and holds it public meetings.

Kansas Secretary of State Kobach initiated a system of interstate cross-referencing of voter registrations to find duplicate voter registrations. Most states do not automatically delete voter registrations when voters move across state lines. Kobach is the only secretary of state who has the authority to prosecute cases of election fraud, given to him by his state legislature. He recent made headlines earlier this year when he obtained a conviction of voting by a non-citizen.

The New American has confirmed that New Hampshire Secretary of State William Gardner has also accepted an appointment to this commission. Gardner, although officially a Democrat, has a track record for fairness in elections and has extensive support from Republicans, Democrats, and Libertarians. Gardner is the longest serving secretary of state in the nation. He was originally elected to his position by the New Hampshire Legislature in 1976 following the 1974 senatorial contest between Louis Wyman and John Durkin. Wyman was declared the winner by two votes although the Democrat-controlled U.S. Senate refused to seat him. That was the closest U.S. Senate election in the history of popular election of senators. During the high-profile state-wide recounts numerous errors in the process were found. Errors in the electoral process that had been tolerated because they seemed trivial suddenly became non-trivial when a U.S. Senate seat hung in the balance.

Gardner is known for being a secretary of state who doesn't want errors swept under the rug, not even seemingly trivial ones. One example was his opposition to punch-card voting systems. Punch-card ballots were known to have occasional problems, with recounts not producing the same results. There were minor differences each time the same punch-card ballots were recounted. While many election officials found those recount errors tolerable, Gardner did not. He wanted recounts to resolve doubts, not to add additional controversy.

Gardner doesn't tolerate other seemingly trivial errors either. New Hampshire has 400 state representatives elected every two years. There are numerous contests decided by very close margins and sometimes even ties. Gardner was an early believer in the voter-verified paper trail movement and was instrumental in getting the nation's first paper trail law passed in New Hampshire in 1990.

Opponents Say Trump's Claims Are Baseless

Opponents of organizing this presidential commission include Reverend Al Sharpton, whose website NAN posted a statement saying, "This commission was formed as an attempt to construct legitimacy around baseless claims of illegal voting." Other opponents, including many in the news media consistently use the same phrase, "baseless claim," when referring to President Trump's statements regarding large-scale voting by non-citizens and other forms of illegal voting.

Congressman Jason Chaffetz (R-Utah), chairman of the House Oversight Committee, which in the absence of a Congressional Committee on Elections appears to be the committee that ought to look into questionable elections, told CNN on January 25 that "he doesn't 'see any evidence' of voter fraud, and his committee won't investigate it." However, the statement by Chaffetz raises the question of how the allegations can be dismissed for lack evidence when the committee hasn't investigated the allegations.

Chaffetz, although officially a Republican, told CNN on November 3 that although he was voting for Trump, he would not endorse him. The Cumulative Freedom Index Score for Chaffetz is an anemic 71 percent.



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Another opponent of this committee is Senator Mitch McConnell (R-Ky.), the senate majority leader. McConnell has been quoted in numerous sources as being against spending federal money because combating voter fraud is better left to the states. He is right that election integrity is better left to the states, but Congress is allowed to play a role in investigating elections where its members are elected, especially when many states aren't checking. Senator McConnell has a deplorable Cumulative Freedom Index Score of only 60 percent, with only 47 percent in the previous Congress, including his vote to grant Trade Promotion Authority (TPA) to former President Obama.

If President Trump's Claims Are Baseless, Why Not Resolve the Issue?

If the people who claim President Trump's claim of illegal voting are truly confident that the facts would support their assertions that Trump's statements are baseless claims, why aren't they cooperating in the fact-finding effort? After all, if an honest and accurate inquiry into the 2016 presidential elections will prove their case, why aren't they getting involved, making sure the process is accurate and honest? That would settle the matter.

In the 1960s, The John Birch Society was characterized in the news media as being, among other things, a fascist and anti-Semitic organization. On March 22, 1961, Robert Welch responded to these baseless claims by requesting an investigation of The John Birch Society by the California Senate Factfinding Subcommittee on Un-American Activities. The report stated:

Our investigation and study was requested by the society, which had been publicly charged with being a secret, fascist, subversive, un-American, anti-Semitic organization. We have not found any of these accusations to be supported by the evidence.

Note how the above statement was based on having completed an investigation, not used as an excuse to avoid conducting an investigation. The right way to resolve the concerns over whether or not there was massive fraudulent voting would be to conduct an accurate, honest, and fair inquiry that could be monitored by the public. Then let the facts speak for themselves.

Why Aren't Establishment Republicans Cooperating With President Trump's Request?

As previously reported by *The New American*, there has been surprisingly little activity by establishment Republicans compared to the presidential elections of 1960 when there were credible doubts about the election of President Kennedy and Vice-President Lyndon Johnson. Then Republican National Chairman Thruston Morton issued a call to GOP organizations and concerned citizens to help gather evidence. The *Dallas Morning News* reported on November 18, 1960:

Morton sent out a call last Friday to GOP organizations in 11 states to seek ballot recounts or investigations to determine whether there were voting frauds or irregularities in their areas.

Democrats successfully blocked all attempts to recount the 1960 presidential election in Texas, one of the key states in the narrow victory by Kennedy and Johnson in 1960.

The lack of cooperation by leading Republicans in the aftermath of the 2016 elections is in stark contrast to what Republicans did following the 1960 elections.

Is President Trump's Executive Order Constitutional?

Of all the opposition comments to the president's commission on election integrity, the one area that hasn't been mentioned in the establishment news media is constitutionality. The U.S. Constitution has no grant of power to the president to authorize such a commission. This is the responsibility of Congress.



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Article I, Section 5 of the U.S. Constitution states, “Each House shall be the judge of the elections, returns and qualifications of its own members. The U.S. Congress established the Committee on Elections as a standing committee in 1789:

A standing Committee on Elections shall be appointed, to consist of seven members; it shall be the duty of said committee to examine and report upon the certificates of election, or other credentials of the members returned to serve in this House, and to take into their consideration all such matters as shall or may come in question, and be referred to them by the House, touching returns and elections, and to report their proceedings, with their opinion thereupon, to the House.

It is the constitutional duty of Congress to investigate questions of election integrity. Unfortunately, Congress has abrogated their responsibility to have a standing Committee on Elections, the committee having been abolished by Congress in 1947.

There was no need to have a similar committee in the U.S. Senate in 1789 because the senators were appointed by the state legislatures. However, since the passage of the 17th Amendment in 1913, which changed the process to popular vote for senators, an election integrity investigation by either or both houses is appropriate and should be one of the legislative priorities for the 115th Congress.

The bottom line is that President Trump can have informal conversations, but he has no authorization to form an official federal government organization to look into illegal voting. He should make a formal presidential request of both Congressman Chaffetz and Senator McConnell to do their duty and have either or both Houses of Congress conduct an open investigation.

If Chaffetz and McConnell continue to refuse, then President Trump should do everything in his power to encourage citizens to work with civic-minded groups such as True the Vote and its network of volunteers. As president, he has the influence to assist these volunteers in the private sector as they do the job that government agencies should be doing. If they find little or no election fraud, then the American people can rest assured. If these volunteers do find considerable electoral fraud, then it should be time to confront the governmental agencies that aren't doing their jobs and ask if there ought to be some changes made.



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