

Election Fraud & Reform: A Historical Perspective Using Government Documents

Rachel Schmalz

Introduction

Free and fair elections are the cornerstone of representative, democratic government. They allow citizens to hold their leaders accountable and express their political will. However, throughout U.S. history election fraud and interference have surfaced at various levels of government, undermining public trust and prompting reforms. This paper examines three election interference and fraud cases: the 1997 Miami Mayoral Election, the 2004 Washington Gubernatorial Election, and the 2000 U.S. Presidential Election. Each case represents a different level of government and illustrates how election-related challenges manifested and were resolved. This paper focuses on official government documents produced during and in the aftermath of each controversy. In doing so, the paper examines the details of these cases and reflects on how past experiences can inform current conversations about election security and reform.

Local Level: 1997 Miami Mayoral Election

The 1997 Miami mayoral election between incumbent Joe Carollo and former mayor Xavier Suarez¹ illustrates how local elections can be vulnerable to fraud. The general election for mayor took place on November 4, 1997; since neither candidate received a majority of votes, a runoff election was held a week later. On November 14, election results were certified, and Suarez won the race.² However, the election faced serious allegations of fraudulent absentee ballots and altered votes, with claims that these actions directly impacted the outcome. This case exemplifies how local government bodies can respond to electoral fraud and the steps necessary to restore public trust in local elections.

Following the announcement of the 1997 Miami mayoral election results, Carollo promptly challenged the outcome by filing a legal protest, initiating a judicial review of the election process. Under Chapter 102 of the 1997 Florida Statutes, candidates are granted the right to dispute election results. Carollo first submitted a claim under Section 102.166, which permits a candidate to protest if they believe the election returns are incorrect.³ Additionally,

he filed a separate case under Section 102.168, “Contest of Election,” which enables a circuit court to review the certification of election results.⁴ These two filings were eventually merged, and a bench trial was scheduled for March 3, 1998.

The trial court ultimately ruled in Carollo’s favor, ordering a new election due to the evidence of widespread misconduct. However, the ruling was quickly appealed to the Third District Court of Appeal of Florida. In its review, the appellate court found that the trial court’s conclusion was supported by substantial evidence. The judges noted a “pattern of fraudulent, intentional and criminal conduct” that severely undermined the purpose and integrity of absentee ballot laws.⁵ In reaching its decision, the court cited the Florida Supreme Court case *Bolden v. Potter*, which held that while protecting the will of voters is crucial, so too is preserving the legitimacy of the election process.⁶ The court emphasized that it could not ignore deliberate fraud intended to corrupt the outcome.

Although the appellate court agreed with the trial court’s findings regarding the fraud, it disagreed with the remedy. Instead of ordering a new election, the appellate court determined that the appropriate course of action was to discard all absentee ballots from the election. Its ruling stated:

We expressly hold that substantial competent evidence supported the trial court’s finding that extensive absentee voter fraud affected the outcome of the November 4, 1997, City of Miami Mayoral election. Further, our consideration of the relevant case law and strong public policy considerations leads us to the inescapable conclusion that the only appropriate remedy for this absentee voter fraud is the invalidation of all absentee ballots.⁷

The 1997 Miami mayoral election scandal also brought legislative reform in Florida. The State Congress enacted the 1998 Voter Fraud Act⁸ to strengthen the integrity of absentee voting and curb vote-brokering practices. The bill passed with a majority of support in the Congress and was signed into law

without the Governor's signature.⁹ The goal was to revise and edit chapters 98-129 in the Florida Statutes in response to the "alleged voter fraud and absentee ballot abuses in Miami."¹⁰ It is important to note that although the bill was passed, not all the provisions were enforced due to the federal preclearance requirements of the Voting Rights Act of 1965. After the 2000 Presidential election, more legislation was passed in Florida to protect absentee ballots and allowed for more of the 1998 Voter Fraud Act to be enforced. This case showcases the quick legislative response to local election fraud in Florida.

State Level: 2004 Washington Gubernatorial Election

The 2004 Washington gubernatorial election was among the most contentious in the state's history, with a razor-thin margin separating Democrat Christine Gregoire from Republican Dino Rossi. The election, which initially declared Rossi the winner, was immediately marred by allegations of irregularities in the vote-counting process. Specifically, the controversies centered on absentee ballots; thousands of ballots were rejected due to signature mismatches or missing postmarks, while others were contested over whether they were properly postmarked or received on time. In addition, there were claims that certain ballots had been incorrectly rejected or counted twice and that local election officials applied inconsistent standards when validating absentee ballots. The closeness of the race meant that every vote was critical, and when the initial count showed Rossi leading by just a few hundred votes, the stage was set for a prolonged legal and political battle.¹¹ Ultimately, the controversy surrounding the election underscored the need for greater transparency, consistency, and accountability in Washington's electoral process.

The election took place on November 2, 2004, although it took over two weeks to tally the votes. The initial count had Rossi winning by a 261 margin. This close of a margin triggered a mandatory recount according to Chapter 29A.64 of the Revised Code of Washington (RCW).¹² The recount was published at the end of November and showed an even closer margin, with Rossi winning by 34 votes. He was announced as the governor-elect. However, Gregoire decided to file for an additional manual recount at her own expense under Chapter 29A.64.011 of the RCW.¹³ One of the pertinent issues in the election was the different voting methods used because the Washington legislature passed a bill in 1993 allowing voters the option to request to vote by mail.¹⁴ In the 2004 election, it was estimated that 60% of voters voted by mail and 40% voted in person, making it challenging to recount the votes.¹⁵ A few weeks later, the manual recount was announced, and Gregoire won the election with 129 votes. While Gregoire was sworn into office on January 12,

2005, the controversy was far from over, as Rossi filed a lawsuit to nullify the election results.

Six months after election day, Chelan County Superior Court Judge John Bridges oversaw the trial between the petitioner, Rossi and company, and the respondents, King County and the Washington State Democratic Party. This lawsuit was politically polarized, with the Democratic and Republican parties blaming the system for failing to count the votes correctly. In the pre-court brief from the Washington State Democratic Committee, they claimed that the petitioners were attempting to "oust a sitting Governor from office" and no evidence to prove "illegal" votes in the election existed.¹⁶

In June 2005, Judge Bridges ruled that "the petitioners have not met either the clear and convincing burden or the preponderance of the evidence burden as to the element of causation," further citing RCW 29A.68.110, saying, "Fraud cannot now be claimed and that to the extent that it was claimed, neither the act of fraud nor the causation arising therefrom were proved by the higher burden of proof of clear, cogent and convincing."¹⁷ Judge Bridges also cites RCW 29A.68.110 as his limitations on delivering a ruling in favor of the petitioner. The code states:

No election may be set aside on account of illegal votes, unless it appears that an amount of illegal votes has been given to the person whose right is being contested, that, if taken from that person, would reduce the number of the person's legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes that may be shown to have been given to the other person.¹⁸

After delivering the ruling, Rossi decided not to appeal the results because of "the political makeup of the Washington State Supreme Court, which makes it almost impossible to overturn this ruling."¹⁹ This decision ultimately ended one of the most divisive elections in Washington's history.

The 2004 Washington gubernatorial election revealed significant weaknesses in the state's election infrastructure and prompted a wave of electoral reforms. One of the most glaring issues was the lack of standardized ballot handling and reconciliation procedures across counties. In King County alone, officials discovered hundreds of ballots that had been mistakenly rejected.²⁰ The 2004 Election Report from King County acknowledged that mistakes were made during the election process and offered suggestions for reforms moving forward, including "clarification and uniformity of canvassing and ballot processing procedures" and "extending the time provided for certifying election results."²¹

In response, the Washington legislators implemented a series of reforms to improve transparency and consistency. The legislature

passed House Bill 1754, amending RCW 29A.48.010 to allow for county auditors to hold all elections by mail²²; Senate Bill 5499, which standardized election procedure²³; House Bill 2477 updating election laws and the powers of the Secretary of State to enforce the laws²⁴; and Senate Bill 6362, which clarified voter registration challenges.²⁵ These reforms helped restore public trust in Washington's elections and served as a model for other states seeking to strengthen the integrity of their electoral systems.

Federal Level: 2000 U.S. Presidential Election

The 2000 U.S. presidential election was one of the most controversial elections in U.S. history. The election between Republican George W. Bush and Democrat Al Gore was not won by popular vote but instead by the Electoral College. The race came down to the state of Florida, where a close margin triggered a mandatory recount and sparked weeks of legal battles. The Supreme Court ultimately decided in *Bush v. Gore* to end the recount in Florida and awarded Florida's electoral votes and the presidency to Bush. This election exposed significant weaknesses in voting technology and legal frameworks, setting the stage for national conversations about electoral reform and voter confidence.

The election took place on November 7, 2000. According to the Federal Election Commission report, Gore won the popular vote with 50,992,235, and Bush won the electoral vote by 271. However, with its 25 electoral votes, the state of Florida had 537 votes separating Bush and Gore.²⁶ The U.S. Commission on Civil Rights released a report that stated there was "widespread voter disenfranchisement" that created extraordinary circumstances in the Florida election.²⁷ The election results were immediately contested, with both sides filing lawsuits over the handling of ballots and the accuracy of vote counts in Florida.²⁸

Due to the close margins, Gore protested the election results under Florida state law and filed petitions to recount in several counties. Under Florida Statute 102.166(d), "The person who requested the recount shall choose three precincts to be recounted, and, if other precincts are recounted, the county canvassing board shall select the additional precincts," so Gore chose heavily Democrat favoring counties.²⁹ Gore also contested the election under Florida Statute 102.168(1).³⁰ From November to December, Bush and Gore filed several court cases to try to secure the election.³¹

The main argument sought in the court cases was whether Florida law allowed the judicial system to step in and allow extensions of recounts. In *Palm Beach County Canvassing Board v. Harris*, the Florida Supreme Court reversed the trial court decision and allowed for an extension so recounted votes could be included in the certification deadline.³² Bush followed by filing a challenge with the U.S. Supreme Court, citing that the

Florida Supreme Court had overstepped. In *Bush v. Palm Beach County Canvassing Board*, the Supreme Court said:

Specifically, we are unclear as to the extent to which the Florida Supreme Court saw the Florida Constitution as circumscribing the legislature's authority under Art. II, § 1, cl. 2. We are also unclear as to the consideration the Florida Supreme Court accorded to 3 U.S.C. § 5. The judgment of the Supreme Court of Florida is therefore vacated, and the case is remanded for further proceedings not inconsistent with this opinion.³³

Three days later, the Florida Supreme Court reversed another lower court decision in *Gore v. Harris*, which expanded the voting recount to all counties, allowing them additional time to count their votes.³⁴ The next day, the U.S. Supreme Court issued a stay pending further oral argument.³⁵ On December 12, 2000, the Supreme Court ruled that the lack of uniform standards in the recount violated the Equal Protection Clause and effectively ended the recount in Florida.³⁶ The Florida Supreme Court later ruled, "Accordingly, pursuant to the direction of the United States Supreme Court, we hold appellants can be afforded no relief" and reversed the order to allow recount extensions.³⁷ This presidential election and the judicial court decisions highlighted deep flaws in the U.S. electoral system.

In response to the crisis, Congress passed the Help America Vote Act (HAVA) in 2002, which sought to address some of the fundamental issues exposed during the 2000 election.³⁸ HAVA aimed to modernize voting systems, improve the accessibility of voting machines, and set minimum standards for election administration. Moreover, Governor Jeb Bush created a task force to improve Florida's voting system and prevent prolonged court cases from happening in the future.³⁹ The election also spurred discussions about the Electoral College system, with many advocating for reforms to ensure that the popular vote more directly determines the outcome of presidential elections.⁴⁰ In 2004, a House Joint Resolution was proposed to amend the Constitution to have the President and Vice President be voted in by popular vote; however, the resolution never made it out of committee.⁴¹ Overall, the 2000 election revealed significant flaws in the electoral process, and the lessons learned from it have influenced both state and federal reforms aimed at improving election security and ensuring that all votes are counted accurately.

Lesson Learned

The three cases analyzed in this paper reveal vulnerabilities within the American electoral system across local, state, and federal levels. In Miami, widespread absentee ballot fraud revealed how weak municipal oversight and lax verification protocols could be

exploited to manipulate election outcomes. In Washington State, the close margin between gubernatorial candidates Christine Gregoire and Dino Rossi revealed inconsistencies in ballot counting across counties, particularly in how absentee and provisional ballots were handled. The 2000 presidential election between George W. Bush and Al Gore at the federal level exposed the consequences of outdated voting machines and ambiguous recount statutes.

These earlier controversies continue to echo in today's debates over election integrity. Concerns about inconsistent standards for counting mail-in and absentee ballots have resurfaced in recent years, especially as many states expanded vote-by-mail during the COVID-19 pandemic. In Pennsylvania, courts ruled that voters whose mail ballots were rejected for minor technical issues should be allowed to cast provisional ballots.⁴² In Colorado, officials have investigated alleged attempts to intercept mail ballots.⁴³ These disputes reflect the same tensions over ballot rejection as the Washington case. They also echo the Miami mayoral election, where fraudulent ballots were initially counted without proper verification. Meanwhile, concerns about outdated or insecure voting machines, which were central to the *Bush v. Gore* dispute, persist. Experts warn that aging equipment and software vulnerabilities could threaten election security if jurisdictions fail to update or audit their systems.⁴⁴ These parallels show that the weaknesses exposed in past elections remain ongoing issues and continue to shape policy debates and public skepticism.

Ultimately, the case studies in this paper highlight that the integrity of elections relies on accurate vote counting, strong legal structures, bipartisan oversight, and public transparency in the electoral process. Safeguarding these principles is essential to the health of a democracy, especially as states today grapple with how to secure mail-in voting, regulate ballot collection practices, and modernize voting machines. By examining past instances of fraud and procedural failures, policymakers can identify weaknesses and enact meaningful reforms that address these contemporary challenges. Well-defined protocols and thorough documentation not only guide fair outcomes but also help sustain public confidence, which has become increasingly fragile in an era of misinformation and election denialism. The legal and legislative responses to past controversies offer lessons for strengthening trust in the democratic process today.

Rachel Schmalz (rschmalz@illinois.edu) is a second-year student pursuing a dual M.A. in Russian, East European, and Eurasian Studies & M.S. in Library and Information Science, University of Illinois Urbana-Champaign. This paper was written for IS 594 GIO Government Information, Spring 2025, Professor Dominique Hallett.

Notes

1. There were the three other candidates in the race, but none received a significant amount of support.
2. Associated Press, "Former Miami Mayor Upsets Incumbent in Runoff," *Los Angeles Times*, November 14, 1997, <https://www.latimes.com/archives/la-xpm-1997-nov-14-mn-53658-story.html>.
3. Protest of Election Returns; Procedure; Venue, 102.166(1) Fla Stat. 1997, <https://www.flsenate.gov/laws/statutes/1997/102.166>.
4. Contest of Election, 102.168 Fla Stat. 1997, <https://www.flsenate.gov/laws/statutes/1997/102.168>.
5. *In Re: The Matter of the Protest of Election Returns and Absentee Ballots in the November 4*, No. 98-507 (Fla 1998).
6. *Bolden v. Potter*, 452 So.2d 564 (Fla.1984)
7. *In Re: The Matter of the Protest of Election Returns and Absentee Ballots in the November 4*, No. 98-507 (Fla 1998).
8. The colloquial name to reference the legislation.
9. Elections, CS/SB 1402, (Fla. 1998), <https://www.flsenate.gov/Session/Bill/1998/1402>.
10. Senator Burt L. Saunders, "Federal Preclearance and Florida's 1998 Voter Fraud Act," Interim Project Report 2001-014 (Committee on Ethics and Elections: The Florida Senate, September 2000), https://www.leg.state.fl.us/data/Publications/2001/Senate/reports/interim_reports/pdf/2001-014ee.pdf.
11. Brendan Kiley, "How WA's Close 2004 Governor's Election Shook Voters' Faith—and Drove Reforms," *The Seattle Times*, October 26, 2024, <https://www.seattletimes.com/pacific-nw-magazine/how-was-close-2004-governors-election-shook-voters-faith-and-drove-reforms/>.
12. Mandatory, 29A.64.021 Revised Code of Washington (RCW), 2004, <https://app.leg.wa.gov/RCW/default.aspx?cite=29A.64.021>.
13. Application—Requirements—Application of Chapter, 29A.64.011, Revised Code of Washington (RCW), 2004, <http://app.leg.wa.gov/RCW/default.aspx?cite=29A.64.011>
14. Changing Provisions Relating to Elections, HB 1072 (Wash. 1991-92), <https://lawfilesex.leg.wa.gov/biennium/1991-92/Pdf/Bills/House%20Passed%20Legislature/1072.PL.pdf>.
15. Eric Nusbaum, "How Washington's 2004 Election Made History," *Seattle Met*, September 10, 2024, Fall 2024 issue edition, <https://www.seattlemet.com/news-and-city-life/2024/09/washington-governor-race-2004-gregoire-rossi-history>.
16. *Timothy Borders, et al. v. King County et al. and Washington State Democratic Central Committee, and Libertarian Party of Washington State, et al.*, Washington

- State Democratic Central Committee Trial Brief (SL051380.240) (Superior Court of the State of Washington for Chelan County, May 20, 2005), <https://law.osu.edu/electionlaw/litigation/documents/WSDCCsTrialBrief-551.pdf>.
17. *Timothy Borders, et al. v. King County et al. and Washington State Democratic Central Committee, and Libertarian Party of Washington State, et al.*, Courts Oral Decision, 05-2-00027-3 (Chelan County, WA. June 6, 2005), <https://law.osu.edu/electionlaw/litigation/documents/oraldecision.pdf>.
18. Illegal Votes—Number of Votes Affected—Enough to Change Result, 29A.68.110, Revised Code of Washington (RCW), 2004, <http://app.leg.wa.gov/RCW/default.aspx?cite=29A.68.110>.
19. “Washington State Judge Upholds Election Results,” NBC News, June 6, 2005, <https://www.nbcnews.com/id/wbna8119215>.
20. Eric Nusbaum, “How Washington’s 2004 Election Made History,” *Seattle Met*, September 10, 2024, <https://www.seattlemet.com/news-and-city-life/2024/09/washington-governor-race-2004-gregoire-rossi-history>.
21. Dean C. Logan, “2004 Elections Report to King County Executive Ron Sims February 2005” (Department of Executive Services: King County Elections, February 15, 2005), <https://your.kingcounty.gov/elections/ElectionsReport.htm>.
22. Authorizing County-Wide Mail Ballot Elections, HB 1754 (Wash. 2005-06), <https://lawfilesext.leg.wa.gov/biennium/2005-06/Pdf/Bills/House%20Passed%20Legislature/1754-S.PL.pdf#page=1>.
23. Clarifying and Standardizing Various Election Procedures, SB 5499 (Wash. 2005-06), <https://lawfilesext.leg.wa.gov/biennium/2005-06/Pdf/Bills/Senate%20Passed%20Legislature/5499-S.PL.pdf#page=1>.
24. Making Technical Changes to Election Laws, HB 2477 (Wash. 2005-06), <https://lawfilesext.leg.wa.gov/biennium/2005-06/Pdf/Bills/House%20Passed%20Legislature/2477.PL.pdf#page=1>.
25. Modifying Voter Registration Provisions, SB 6362 (Wash. 2005-06), <https://lawfilesext.leg.wa.gov/biennium/2005-06/Pdf/Bills/Senate%20Passed%20Legislature/6362-S.PL.pdf#page=1>.
26. Federal Election Commission, *Federal Elections 2000: Election Results for the U.S. President, the U.S. Senate and the U.S. House of Representatives* (Washington D.C.: Federal Election Commission, June 2001), 11-15, <https://www.fec.gov/resources/cms-content/documents/federaelections00.pdf>.
27. U.S. Commission on Civil Rights, “Executive Summary,” *Voting Irregularities in Florida During the 2000 Presidential Election* (U.S. Commission on Civil Rights, November 2001), <https://www.usccr.gov/files/pubs/vote2000/report/exesum.htm>; Full report available via: <https://purl.fdlp.gov/GPO/LPS17743>.
28. For more information about each court case see: E.J. Dionne and William Kristol, eds., *Bush v. Gore: The Court Cases and the Commentary* (Brookings Institution Press, 2001), <https://www.jstor.org/stable/10.7864/j.ctvddztfj>.
29. Protest of Election Returns; Procedure, 102.166 Fla Stat. 2000, <https://www.flsenate.gov/laws/statutes/2000/102.166>.
30. Contest of Election, 102.168 Fla Stat, 2000, <https://www.flsenate.gov/laws/statutes/2000/102.168>.
31. Due to the scope of this paper, I will not be looking at every single case, but here is a brief synopsis of the court cases filed: *Advisory Opinion DE 00-10*, Florida Department of State, Division of Elections, November 13, 2000; *Advisory Opinion DE 00-11*, Florida Department of State, Division of Elections, November 13, 2000; *Advisory Opinion DE 00-13*, Florida Department of State, Division of Elections, November 13, 2000; *Advisory Legal Opinion AGO 2000-65*, Florida Attorney General, November 14, 2000; *McDermott v. Harris*, Leon County (Florida) Circuit Court, November 14, 2000; *Palm Beach County Canvassing Board v. Harris*, Supreme Court of Florida, November 21, 2000; *Bush v. Palm Beach County Canvassing Board*, Supreme Court of the United States, December 4, 2000; *Gore v. Harris*, Leon County (Florida) Circuit Court, December 4, 2000; *Gore v. Harris*, Supreme Court of Florida, December 8, 2000; *Bush v. Gore*, Supreme Court of the United States, December 9, 2000; *Bush v. Gore*, Supreme Court of the United States, December 12, 2000; *Gore v. Harris*, Supreme Court of Florida.
32. *Palm Beach County Canvassing Board v. Harris*, Nos. SCOO-2346, SCOO-2348 & SCOO-2349 (Fla, 2000). The opinion was issued on 21 November 2000.
33. *Bush v. Palm Beach County Canvassing Board*, No. 00-836 (2000). The Writ of Certiorari was issued on December 4, 2000.
34. *Gore v. Harris*, No. SCOO-243. (Fla 2000). The opinion was issued on December 8, 2000.
35. *Bush v. Gore*, No. 00-949 (OOA504). (2000). The application for stay was issued on December 8, 2000.

36. *Bush v. Gore*, No. 00-949 (2000). The Writ of Certiorari was issued on December 12, 2000.
37. *Gore v. Harris*, No. SCOO-2431 (Fla 2000). The order on remand was issued on December 13, 2000.
38. Help America Vote Act of 2002, P. L. No. 107-252, <https://www.govinfo.gov/content/pkg/PLAW-107publ252/pdf/PLAW-107publ252.pdf>.
39. "Jeb Bush Appoints Task Force to Recommend Improvements in the Way Florida Votes," CNN, December 14, 2000, <https://www.cnn.com/2000/ALLPOLITICS/stories/12/14/fla.elections/index.html>.
40. Thomas E. Mann, "Reflections on the 2000 U.S. Presidential Election," *The Brookings Institute*, January 1, 2001, <https://www.brookings.edu/articles/reflections-on-the-2000-u-s-presidential-election/>.
41. Proposing an Amendment to the Constitution of the United States to Provide for the Direct Election of the President and Vice President by the Popular Vote of all Citizens of the United States Regardless of Place of Residence, H.J. Res. 109, 108th Cong. (2004). <https://www.govinfo.gov/content/pkg/BILLS-108hjres109ih/pdf/BILLS-108hjres109ih.pdf>.
42. Mark Scolforo and Marc Levy, "Pennsylvania High Court Gives Voters Provisional Option if Their Mail Ballots Get Rejected," *AP News*, October 23, 2024, <https://apnews.com/article/pennsylvania-voting-election-mail-ballots-f9a5e83b330a4555a779230e4bc3d139>.
43. "Colorado Investigates Alleged Attempt to Intercept Mail Ballots," United States, Reuters, October 24, 2024, <https://www.reuters.com/world/us/colorado-investigates-alleged-attempt-intercept-mail-ballots-2024-10-24/>.