

EXHIBIT 9

EXPERT REPORT OF LORRAINE C. MINNITE, PH.D

Fish v. Kobach, No. 2:16-cv-02105

I. SUMMARY OF OPINIONS¹

I was asked by plaintiffs' attorneys to prepare a report concerning the incidence of voter fraud generally, and non-citizen registration and voting in Kansas, in particular. Based on my extensive research and analysis of contemporary voter fraud in contemporary U.S. elections, I conclude:

- A. While a handful of non-citizens have appeared on the registration rolls in Kansas over the last fifteen years, Kansas Secretary of State Kris Kobach has not set forth, and I have not found, any empirical evidence to suggest that non-citizen registration and voting are problems of any significance in the state;
- B. Since Secretary Kobach has been granted prosecutorial power by the state legislature, he has indicted six people for illegal registration and voting, none of whom are non-citizens.

In Section II, I discuss my educational and professional background and qualifications. In Section III.A, I briefly discuss the historical background of restrictions on voting and election fraud. In Section III.B, I examine the electoral process and define voter fraud as "the intentional corruption of the voting process by voters." Next, in Section III.C, I review the research reported in my 2010 scholarly treatment of the subject of voter fraud in contemporary U.S. elections, *The Myth of Voter Fraud*, and demonstrate that voter fraud does not pose a threat to elections as some claim. I also briefly discuss a celebrated case of alleged non-citizen voter fraud from twenty years ago that continues to be (mistakenly) cited as evidence of how 'aliens' can steal elections; and address more recent research alleging to uncover the possibility that a substantial number of non-citizens illegally participated in the 2012 election. In Section III.D, I analyze misleading allegations and the available data of specific cases of alleged voter fraud, and specifically, non-citizen voter fraud and voter registration at motor vehicle offices, in Kansas. In Section III.E, I conclude that because there is no evidence of a problem with non-citizens fraudulently voting in recent elections in Kansas, the fear of non-citizen voter fraud is irrational.

¹ This report is based on information that is currently available for my review. Discovery in this matter is ongoing. Therefore, I reserve the right to update my report and opinions upon review of any additional documents or information previously unavailable to me.

II. BACKGROUND & QUALIFICATIONS

I am an associate professor in the Department of Public Policy and Administration at Rutgers, The State University of New Jersey-Camden. I received a Bachelor of Arts degree in History from Boston University, and two Master's Degrees and a Ph.D. in Political Science from the City University of New York. One of my areas of expertise is American Politics with a specialization in elections and the political process. Specifically, I study the incidence and effect of voter fraud in American elections. I am compensated at a rate of \$100 per hour for my expertise in this case.

In 2003, I co-authored a study of voter fraud with David Callahan for the public policy research and advocacy organization, Demos, titled, "Securing the Vote: An Analysis of Voter Fraud." I updated this study with new material in 2007.² At that time, Demos published a preliminary report I wrote on voter fraud and same-day registration,³ and in March of 2007, I published a report, "The Politics of Voter Fraud," for Project Vote, a national nonpartisan, nonprofit voting rights organization.⁴ In June 2010, Cornell University Press published *The Myth of Voter Fraud*, my full-length scholarly treatment of the subject. The book analyzes the evidence of voter fraud, including alleged non-citizen registration and voting, and concludes that the widespread allegation that voter fraud is a rampant problem of unknown proportions in contemporary U.S. elections is unsupported by evidence, and that actual voter fraud is extremely rare. In *The Myth of Voter Fraud*, I conclude and provide evidence to show that having no basis in fact, these allegations are motivated by political interests, and are designed to make voting harder for certain populations. I provide an analysis of the role of the voter fraud myth in the contemporary voter ID debate in "Voter Identification Laws: The Controversy over Voter Fraud," published by Routledge in a 2012 book edited by Matthew J. Streb, titled *Law and Election Politics*. Finally, I updated this material in an essay, "The Voter Fraud Myth," a chapter in the third edition of *America Votes! A Guide to Modern Election Law and Voting Rights*, edited by Benjamin Griffith and published by the American Bar Association.

This report incorporates all of the research I have conducted on the subject of voter fraud since 2001, as cited above and published in peer-reviewed books and

² Lorraine C. Minnite, "An Analysis of Voter Fraud" (New York: Demos, 2007), available at <http://www.demos.org/publication/analysis-voter-fraud-united-states-adapted-2003-report-securing-vote>.

³ Lorraine C. Minnite, "Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security" (New York: Demos, 2007), available at <http://www.demos.org/publication/election-day-registration-study-voter-fraud-allegations-and-findings-voter-roll-security>.

⁴ Lorraine C. Minnite, "The Politics of Voter Fraud" (Washington, D.C.: Project Vote, 2007), available at <http://www.projectvote.org/newsreleases/222-new-report-examines-qthe-politics-of-voter-fraudq.html>.

journals, including expert reports prepared for other plaintiffs in litigation.⁵ To expand my research on supposed recent evidence of voter fraud in Kansas, I analyzed the following:

- Nearly 2,000 articles appearing in more than 20 different Kansas newspapers and other news sources between October 23, 1984 and February 3, 2016; 108 of these were relevant and are listed in Appendix A;
- Documents concerning the incidence of voter fraud prepared by the Office of the Kansas Secretary of State, including a February 9, 2011 report titled “Known Reported Incidents of Election Crimes, 1997-2010,” and an updated version of the same report dated February 1, 2012, titled “Known Reported Incidents of Election Crimes, 1997-2011,” which was reissued on March 15, 2012 under the title “Known Reported Incidents of Election Crimes, 1997-2012”; press releases by the Secretary of State, from March 1, 2001 to January 29, 2016; other documents produced by the office, including “Report of the Study Group on the Future of Kansas” (2009); testimony, prepared remarks, and op-eds published by Secretary of State Kris Kobach, as well as information recently provided by Secretary Kobach to Brian Newby, Executive Director of the U.S. Election Assistance Commission;
- All news releases by the Kansas Attorney General’s Office, from January 12, 2011 to February 1, 2016, and any other relevant documents I could find on the Attorney General’s website, including legal opinions dating back to 1974;
- Additional blog posts, press releases and reports by non-profit and advocacy groups, including the Heritage Foundation, the Republican National Lawyers Association, the League of Women Voters (national and Kansas chapter), Franklin Center for Government and Public Integrity, Kansas Watchdog, and others;
- Documents from litigation concerning proof-of-citizenship requirements in Arizona and Kansas (*Arizona v. Inter Tribal Council of Arizona, Inc.*, 133 S. Ct. 2247 (2013), *Kobach v. U.S. Election Assistance Commission*, U.S. Court of Appeals for the Tenth Circuit, Nos. 14-3062 and 14-3072 (2014)), and *Cromwell v. Kobach*, U.S. District Court for the District of Kansas (2015));
- Additional materials, as cited in the footnotes.

⁵ A complete list of my peer-reviewed publications is set forth in my *Curriculum Vitae* at Appendix B.

III. DISCUSSION

A. Rules Regulating Voters and Election Fraud

The history of voting in the United States is generally told as a story of enfranchisement, as first property and tax-paying requirements fell away in the early decades of the nineteenth century,⁶ and prohibitions against race, gender and age discrimination were incorporated into the U.S. Constitution.⁷ In the era of westward expansion, some states granted suffrage to ‘aliens’ to encourage immigration and settlement. Kansas was among these territories and states. In the Kansas-Nebraska Act of 1854, Congress included what were known as ‘declarant alien qualifications,’ granting voting rights to immigrants who declared their intent to naturalize. When Kansas attained statehood in 1859, it included alien suffrage rights in its first constitution.⁸ Very limited voter registration requirements were placed upon eligible voters at this time.⁹ The earliest of registration laws put the obligation on the government to enroll qualified voters and allowed voters to register on Election Day.¹⁰

By the end of the century, a competitive party system was helping to produce the highest rates of voter turnout in U.S. history. At the same time, however, states began adopting more onerous voter registration and voting laws, supplanting the restrictive effects of property requirements and shifting the burden of establishing voter eligibility away from the government to the individual.¹¹ Industrialization, urbanization and new waves of immigrants fleeing oppression and poverty in eastern and southern Europe fundamentally transformed the political-economy and society of the United States. The darker-skinned Europeans, with their foreign religions and inscrutable languages, were

⁶ Chilton Williamson, *American Suffrage from Property to Democracy, 1760-1860* (Princeton: Princeton University Press, 1960).

⁷ Alexander Keyssar, *The Right to Vote: The Contested History of Democracy in the U.S.* (New York: Basic Books, 2000).

⁸ Virginia Harper-Ho, “Noncitizen Voting Rights: The History, the Law and Current Prospects for Change,” *Law and Inequality*, vol. 18, no. 2 (2000), 271-322.

⁹ Keyssar, *The Right to Vote*, 151; Joseph P. Harris, *The Registration of Voters in the United States* (Baltimore: Lord Baltimore Press, 1929), 65-66; see also John Mark Hansen, et al., “Voter Registration,” Reports of the Task Force on the Federal Election System (to accompany the Report of the National Commission on Election Reform, *To Assure Pride and Confidence in the Electoral Process*), National Commission on Federal Election Reform, August 2001, 2 (on file with author).

¹⁰ Charles Edward Merriam and Harold Foote Gosnell, *The American Party System: An Introduction to the Study of Political Parties in the United States* (New York: The Macmillan Company, 1929); Harris, *Registration of Voters*, xi.

¹¹ Dayna L. Cunningham, “Who Are to Be the Electors? A Reflection on the History of Voter Registration in the United States,” *Yale Law and Policy Review* 9, no. 2 (1991): 370-404.

deemed incapable of assimilation by many Americans. In reaction, rising xenophobia led states to enact new registration requirements and literacy tests¹² and to restrict voting rights to citizens. As part of this movement, Kansas eliminated alien suffrage rights by way of a constitutional amendment in 1918.¹³

Today the alleged threat of voter fraud stands as a common justification for the wave of laws enacted over the last decade that restrict access to voting, including documentary proof-of-citizenship requirements for voter registration. Historically, election fraud documented by early election reformers was not primarily committed by individual voters, who are the target of election reforms to widen the franchise, but instead by election officials and politicians engaging in conspiracies who are unaffected by these types of reforms.¹⁴ In some places, corrupt politicians used the police to “colonize” closely contested elections with fraudulently registered voters.¹⁵ Reformers enacted voter registration as a means to subdue broader electoral fraud, yet it remains unclear whether the reforms played any part in reducing it.¹⁶ No conclusive tie between enfranchising reform and voter fraud has ever been proven.

The Civil Rights Era in American history marked a time of activism to promote, amongst other goals, voting rights. At each significant effort to protect and extend the right to vote, franchising opponents argued that reduced barriers would lead to voter fraud. For example, this alleged threat to election integrity created by reducing barriers of access was taken up by congressional opponents time and time again in the debates over the Voting Rights Act of 1965, the Universal Voter Registration Act of 1977, and the National Voter Registration Act of 1993.¹⁷ More recently, in Kansas, the same time-

¹² Claudia Goldin, “The Political Economy of Immigration Restriction in the United States, 1890 to 1921,” pp. 223-258, Claudia Goldin and Gary D. Libecap, eds., *The Regulated Economy: A Historical Approach to Political Economy* (Chicago: University of Chicago Press, 1994).

¹³ Leon Aylsworth, “The Passing of Alien Suffrage,” *American Political Science Review* 25, no. 1 (Feb. 1931), 114-116.

¹⁴ See Joseph P. Harris, *Election Administration in the United States* (Washington, D.C.: The Brookings Institution, 1934), 375-376 (“Isolated, individual cases of election frauds are uncommon and unimportant. Election frauds cannot be carried on successfully and upon a wide scale without protection, without the pre-arrangement of election officers who will ‘deliver’ if necessary, and without the backing of a powerful political organization.”)

¹⁵ Richard L. McCormick, *From Realignment to Reform: Political Change in New York State, 1893-1910* (Ithaca: Cornell University Press, 1981), 44.

¹⁶ Paul Kleppner, *Who Voted? The Dynamics of Voter Turnout 1870-1980*, American Political Party and Election Series (New York: Greenwood Publishing Group, Inc., 1982), 59-60.

¹⁷ See, e.g., U.S. Congress, Senate Committee on the Judiciary, “To Enforce the 15th Amendment to the Constitution of the United States: Hearings on S.1564,” 89th Cong.,

worn accusations were made by opponents of H.B. 2544, a bill that would allow eligible Kansas residents the opportunity to register and vote on the same day in advance of an election, or on Election Day at the polls.¹⁸ Prior to the widespread adoption of the secret ballot in the late 1880s,¹⁹ party agents arguably used “inflationary” corruption by buying votes and recycling voters.²⁰ Afterward, parties pursued “deflationary” corruption by paying opponents to stay home or otherwise defeating their efforts to vote, using devices such as poll taxes, literacy tests, long residency periods and other onerous requirements for voter registration to further their means.

1st sess., 1965; U.S. Congress, House Committee on House Administration, “To Establish a Universal Voter Registration Program, and for Other Purposes: Hearings on H.R. 5400,” 95th Cong., 1st sess., 1977; and U.S. Congress, House Committee on House Administration, Subcommittee on Elections, “Hearing on Voter Registration,” 103rd Cong., 1st sess., January 26, 1993. For an important account of the movement to reform voter registration laws leading to the passage of the National Voter Registration Act of 1993, see Frances Fox Piven and Richard A. Cloward, *Why Americans Don’t Vote and Why Politicians Want It That Way* (Boston: Beacon Press, 2000); see also Frances Fox Piven, Lorraine C. Minnite, and Margaret Groarke, *Keeping Down the Black Vote: Race and the Demobilization of American Voters* (New York: The New Press, 2009).

¹⁸ Kansas State Representative Gail Finney introduced H.B. 2544 in January 2016. Secretary of State Kobach told reporters that same day registration “creates a huge problem of people voting multiple times in the same election because our polling places are not connected electronically. So I could register at polling place one, vote; show my same identification at polling place two across town, vote; and go to polling place three, four, five and six. It will be discovered after the fact, after the election that I voted multiple times, but my multiple votes will be cast and there’s no way to pull my votes out of the ballot box once they’re cast.” Peter Hancock, “Minority Groups Push for Same-Day Voter Registration,” *Lawrence Journal-World*, January 31, 2016. There is no evidence of voter fraud or multiple voting of the kind Secretary Kobach imagines in any of the states that allow same day registration. See, generally, Minnite, *The Myth of Voter Fraud*; see also Kathy Bonnifield and Carol Johnson, “Facts About Ineligible Voting and Voter Fraud in Minnesota, Based on Data from Minnesota County Attorneys,” Citizens for Election Integrity/Minnesota and the Minnesota Unitarian Universalist Social Justice Alliance, 2010; available at http://ceimn.org/files/Facts%20about%20Ineligible%20Voting%20and%20Voter%20Fraud%20in%20Minnesota_with%20appendix.pdf.

¹⁹ In 1888, Kentucky experimented with the “Australian” or secret ballot in a Louisville municipal election and Massachusetts became the first state to legislate the reform. Over the next four years, another 36 states rapidly passed similar laws, with all but two adopting the secret ballot by 1910. See Lionel E. Fredman, *The Australian Ballot: The Story of an American Reform* (East Lansing: Michigan State University Press, 1968).

²⁰ Gary W. Cox and J. Morgan Kousser, “Turnout and Rural Corruption: New York as a Test Case,” *American Journal of Political Science* 25, no. 4 (November 1981), 646-63.

B. Defining “Voter Fraud”²¹

No statute exists specifically defining “voter fraud.” Instead, nefarious election-related practices are prevented by state laws making “double voting” or “falsifying records” and the like illegal.²² Nevertheless, the process of formulating precise definitions is critical in the social sciences because it allows accurate measurement of empirical phenomena.²³ To develop the definition of voter fraud, I examined the electoral process and looked at the capacity of various actors in the political process to impact the outcome and integrity of elections. Various actors with that capacity include, but are not limited to, voters, campaign officials, elected officials, and election poll workers.

I examined the parts of the political process that different actors could corrupt, and found a distinction between what voters can corrupt and what other electoral actors can corrupt. Voters are only capable of corrupting that part of the electoral process to which they have access. For example, voters cannot corrupt the election count; only an official with broad access could corrupt an entire count. But, individual voters can corrupt their registration process and balloting by falsifying their records or identity on a registration application and/or fraudulently misrepresenting themselves to poll workers.

In the United States, people commit voter fraud when they knowingly provide false information concerning their own voter eligibility credentials (i.e., citizenship status, age, permanent address), or when they knowingly cast more than one ballot (“double voting”), or cast a ballot knowing that they are not eligible to vote. With some

²¹ For a full discussion of how I develop a workable definition of voter fraud, see chapter 2 (“What Is Voter Fraud?”) of *The Myth of Voter Fraud*.

²² For example, in Kansas, “knowingly voting or attempting to vote without being qualified at any election by a person who is not a citizen of the United States or who does not otherwise meet the qualifications of an elector” is a severity level 7, nonperson felony. Kan. Stat. Ann. § 25-2416 (2015). In Texas, it is a third-degree felony to “vote or attempt to vote in an election in which the person knows the person is not eligible to vote; knowingly votes or attempts to vote more than once in an election; or knowingly impersonates another person and votes as the impersonated person.” Tex. Elec. Code Ann. § 64.012 (2003). California prohibits specific election-related activity like fraudulent registration, voting in an election which one is not entitled to vote in, voting more than once, or trying to buy a vote with the promise of a job. Cal. Elec. Code § 18520 (1994). In Minnesota, it is a felony to submit more than one absentee ballot or to assist another in submitting more than one absentee ballot, or alter another’s absentee ballot. Minn. Stat. § 203B.03 (1999). In New Jersey, it is a third degree crime to “fraudulently vote...or in any manner so interfere...with the voters lawfully exercising their rights of voting at the election, as to prevent the election or canvass from being fairly had and lawfully conducted.” N.J. Stat. Ann. § 19:34-11 (2011).

²³ W. Phillips Shively, *The Craft of Political Research*, 5th ed. (Upper Saddle River, New Jersey: Prentice Hall, 2002), 30-38.

exceptions (i.e., laws concerning age, felon disenfranchisement and mental incompetence), voter eligibility requirements are fairly standard across the states: one must be alive when casting a ballot, 18 years of age, a U.S. citizen, and not under state supervision. In our geographically-based system of representation, voters are usually required to vote in the jurisdiction in which they live.

People who knowingly abrogate eligibility rules commit voter fraud. This may include so-called “non-citizen” voting, or “felon” voting by individuals who know they are not eligible to vote because they are not U.S. citizens or because they have been convicted of a felony and not had their voting rights restored as required by state law. Voting in the name of a dead person is fraudulent when the person casting the ballot intentionally impersonates the dead voter. The voter fraud outlined here can be committed at the time of registration, in person at the polls or early voting sites, or through the use of absentee or mail-in ballots.

By breaking up the electoral process according to its various stages and the actors who participate, I can specify my fraud definition to the data that I study: the behavior of individual voters. Accordingly, my definition of voter fraud is “the intentional corruption of the voting process by voters.” This definition is specific to the elements I research.²⁴

I emphasize the importance of intent in my definition, distinguishing election errors such as misspelled names and recording mistakes. Innocent administrative errors on the part of election officials and confusion on the part of voters can cause ineligible people to become registered and/or technically illegal ballots to be cast, however, they should not be included in a definition of fraud that limits itself to nefarious acts *intentionally* committed by voters. Thus, when it comes to non-citizens, the fraud we are concerned with is the intentional registering and/or voting by non-citizens who know they are ineligible to vote.

C. Analysis of Voter Fraud, Including Non-citizen Voter Fraud, Nationally

There are no officially compiled national or statewide statistics reliably reporting the instances of voter fraud. Therefore, to study and measure the contemporary incidence of voter fraud for *The Myth of Voter Fraud*, I used a “mixed methods” research approach, which is common in the social sciences. This methodology utilizes qualitative,

²⁴ The next best definition I found is provided by the U.S. Department of Justice. Their definition of “election fraud” is over-broad because it includes acts to intimidate voters and covers official malfeasance, such as ballot box stuffing or corruption of the count. See Craig C. Donsanto and Nancy L. Simmons, *Federal Prosecution of Election Offenses*, 7th ed., U.S. Department of Justice, Criminal Division, Public Integrity Section (Washington, D.C.: Government Printing Office, 2007). See also U.S. Department of Justice, “Fact Sheet: Protecting Voting Rights and Preventing Election Fraud,” July 2, 2008, available at: <http://www.justice.gov/opa/pr/2008/July/08-crt-585.html>. Because voters do not have access to those activities, they are not included in my more accurate definition of voter fraud.

quantitative and archival research. I interviewed a wide range of people, including, but not limited to, prosecutors, defense lawyers, election officials, voters, academics, and people working on voter registration drives. Based on my extensive research, allegations of voter fraud, with few exceptions, tend to fall into one of the three following categories: unsubstantiated or false allegations of voter fraud made by the losers of close elections;²⁵ mischief;²⁶ and claims that later turned out to be based upon cases of voter error or administrative mistakes, but not fraud.²⁷

The basis of the quantitative research in the book comes from a data set produced by the Administrative Office of the United States Courts that is available to researchers through the Inter-University Consortium for Political and Social Research (“ICPSR”).²⁸ This data set is a complete and total record of all indictments and cases tried annually in federal courts (district and appellate, including the United States Supreme Court).

²⁵ For a discussion of fraud and the sore loser, see generally Michelle L. Robertson, “Election Fraud – Winning at All Costs: Election Fraud in the Third Circuit (*Marks v. Stinson*),” *Villanova Law Review* 40, no. 3 (1995): 869-925.

²⁶ “Mischief” refers to the various anecdotal cases of people “testing the system” by sending in voter registration applications for their house pets and children, or, as in the Iredell County, North Carolina case of Nancy Pasewicz Lever, who intentionally voted twice in one election, once with an absentee ballot and again in person on Election Day in 2008. Lever wanted to show it is easy to cast a vote twice. After she cast the second fraudulent ballot at the polls, having mailed in her first absentee ballot two weeks before, Lever called a radio station to confess, whereupon she was charged with a felony. The arrest, of course, undermines the credibility of Lever’s claim that it is easy to vote more than once in a single election. See Jenn Peter, “Exposing Ease of Double Voting Could Land NC Woman in Jail,” Election Journal Blog, February 21, 2009, <http://www.electionjournal.org/2009/02/21/exposing-ease-of-double-voting-could-land-nc-woman-in-jail/> (last visited February 11, 2015).

²⁷ Minnite, “The Politics of Voter Fraud,” 12-13. For a discussion and extensive documentation of a slightly different set of categories of voter fraud, see also Justin Levitt, “The Truth About Fraud,” Brennan Center for Justice, 2007; available at <http://www.brennancenter.org/sites/default/files/legacy/The%20Truth%20About%20Voter%20Fraud.pdf>. For the research published in *The Myth of Voter Fraud*, I reviewed hundreds of news articles cited in a report by the now defunct American Center for Voting Rights, which purported to be “the most comprehensive and authoritative review of the facts surrounding allegations of vote fraud, intimidation and suppression made during the 2004 presidential election.” From this review I concluded that, “among the more than one hundred cases cited of alleged voter fraud implicating nearly 300,000 potentially fraudulent votes in the 2004 election cycle, only about 185 votes could be confirmed as *possibly* tainted by fraud [emphasis added].”

²⁸ The ICPSR is an international consortium of about 700 academic institutions and research organizations that maintains a data archive of more than half a million files of research in the social sciences. See www.icpsr.umich.edu for more information.

In addition, I relied on the record of federal indictments generated during the first three years of a special program at the U.S. Department of Justice. In March 2001, United States Attorney General John Ashcroft announced the Ballot Access and Voting Integrity Initiative (“BAVII”).²⁹ The BAVII brought together civil rights and criminal division lawyers of the Justice Department for an Election Day program. The stated purpose of this program was to help attorneys recognize election fraud and voter intimidation and how to prosecute these cases.

A case list of indictments brought under the BAVII was included in the records of a congressional hearing on alleged illegal non-citizen voting held in 2006.³⁰ The list, which was prepared by the U.S. Department of Justice, records 95 indictments over the first three years of the program (FY2002 to FY2005). I concluded that this was a complete list of indictments brought under the BAVII for those three years by comparing it to Justice Department press releases announcing numbers of indictments brought under the program. I researched the BAVII indictments and concluded that only 40 of the 95 people indicted were voters; the other 55 people were associated with elections in other ways, for example, serving as campaign, party or election officials. Of the 40 voters indicted, three were charged with double voting in Kansas and Missouri.³¹ Ten were people with felony convictions who violated state laws prohibiting voting until civil rights are restored, and 20 were non-citizens charged with crimes related to registration or voting – over a period of time in which more than 250 million votes were cast in federal elections.³² None of these individuals resided in Kansas.

Using the same standard for judging voter fraud crime rates as we do for other crimes (which is to calculate the incidence of crime from law enforcement statistics on

²⁹ U.S. Department of Justice, press conference, Washington, D.C., March 7, 2001, *available at* <http://www.justice.gov/archive/ag/speeches/2001/0307civilrightspresconf.htm>. *See also*, Dan Eggen and David A. Vise, “Ashcroft Takes On Voting Issues; Enforcement, Monitoring of Election Laws to Be Increased,” *Washington Post*, March 8, 2001, A19.

³⁰ U.S. Congress, House Committee on House Administration, “Hearing on ‘You Don’t Need Papers to Vote?’: Non-Citizen Voting and ID Requirements in U.S. Elections,” 109th Congress, 2d Sess., June 22, 2006, 245-54.

³¹ The cases are *U.S. v. McIntosh*, U.S. District Court for the District of Kansas, Case No. 04-CR-20142; *U.S. v. Scherzer*, U.S. District Court for the Western District of Missouri, Case No. 04-CR-00401; and *U.S. v. Goodrich*, U.S. District Court for the Western District of Missouri, Case No. 04-CR-00402. *See also* Greg Reeves, “People Voting Twice in Kansas, Missouri,” *Billings Gazette*, September 5, 2004; Diva Betsy Ross, “Three Charged in Voting Fraud (Up to 5 Years and \$250,000 Fine),” *Kansas City Star*, October 22, 2004; “Lawyer Sentenced to Probation for Voting in Kansas and Missouri; Says He Had No Political Agenda in Participation in Both States,” *Associated Press*, June 24, 2005.

³² The remaining seven individuals were charged with double voting or registration-related violations.

arrests, indictments and convictions), we must conclude that the scant evidence of arrests, indictments or convictions for any of the practices defined as voter fraud means that little fraud is being committed relative to the millions of votes cast each year in state, local and federal elections. The lack of an accurate centralized tracking system is itself evidence that voter fraud is not the threat to elections some claim it is.

Some argue that crime statistics are an invalid measure of the extent of voter fraud. Proponents of this view typically offer two reasons for this: 1) prosecutors are biased and do not pursue voter fraud cases; and 2) voter fraud escapes detection. Neither of these arguments is supported by evidence.

First, as described above, the federal government designed a program in 2001 to root out voter fraud in federal elections. In its first three years, under vigorous prosecution, this program produced just 40 indictments of voters, 26 of whom pleaded or were found guilty (16 were non-citizens). More than 200 million votes were cast in the 2002 and 2004 federal elections combined. Thus, we have an important example in which it cannot be said that prosecutors do not pursue voter fraud cases, and yet almost no voter fraud was actually prosecuted. This suggests that, upon investigation, the potential cases identified did not turn out to be instances of fraud and/or that few potential cases were even identified. A Minnesota example also disputes the claim that voter fraud is not investigated. In that state, county district attorneys are required by law to investigate complaints of voter fraud at risk of losing their jobs. My research into voter fraud in Minnesota between 1999 and 2005 turned up only one prosecuted case, however.³³ And in Kansas, as described in more detail below, since 2010, the hunt for voter fraud, and especially fraud committed by non-citizen voters, has been the top priority of the Secretary of State's Office under the leadership of Hon. Kris Kobach. To date, while there have been a handful of cases referred to law enforcement for further investigation since 1997, not one non-citizen has been prosecuted for fraudulent voting.

Second, some argue that voter fraud is next to impossible to detect, and therefore, again, statistics from the law enforcement effort against it are irrelevant. This argument is not persuasive. It is simply illogical to argue that a lack of evidence that a phenomenon is occurring means it is widespread. All crime, including fraud, is meant to be concealed, and yet there are many types of fraud that are routinely detected and prosecuted. There is no reason to believe that voter fraud is less detectable than Social Security fraud, or counterfeiting, or tax evasion, or postal or wire fraud. These forms of fraud share qualities with voter fraud. For example, Social Security fraud can involve impersonation and making false claims about eligibility, counterfeiting can involve forgery and making false claims about identity, and tax evasion can involve false claims of residence; mail fraud statutes have been used to prosecute voter fraud. In federal fiscal year 2005, there were 183,284 criminal indictments brought in the federal courts.³⁴ I

³³ See *The Myth of Voter Fraud*, 61-66.

³⁴ Federal Judicial Center, Federal Court Cases: Integrated Database, 1997, 2005 [computer file], conducted by the Federal Judicial Center, ICPSR04306, ICPSR04382, Ann Arbor, Mich.: Inter-University Consortium for Political and Social Research

focus on 2005 because it was year when the Bush Administration's Justice Department made rooting out voter fraud a top priority. Among the criminal indictments for the year, we find the following:

Criminal charge³⁵	FY2005
Election fraud violations ³⁶	60
Other fraud violations	
Citizenship fraud	776
Social Security fraud	1,980
False claims and statements	6,658
Counterfeiting	3,161
Postal, Internet, and wire fraud	6,929
Tax evasion	781
Total criminal defendants	183,284

These data suggest that the claim against a methodology relying on measures of law enforcement to assess the threat of voter fraud to the integrity of U.S. elections is of little merit. It is not unreasonable to estimate crime rates from data produced by the law enforcement effort against it. In the absence of contradictory or alternative evidence, such as expert opinion, crime statistics on voter fraud present benchmarks that can guide policymakers in establishing priorities and designing election systems to provide the widest possible access to the franchise.

Data collected in close elections and recounts provide the best documented cases of the operations of election administration, and therefore, generate data we can use to examine voting irregularities more closely. In these instances, the statistics on voter fraud committed in polling locations are virtually zero. An important example is the 2004 Washington State gubernatorial election, one of the most closely scrutinized elections in modern history. The initial winner lost on a recount spurring a blizzard of

[producer and distributor]; author's calculations.

³⁵ At least one of the top five filing charges for each defendant falls into a crime category.

³⁶ The Federal Court Cases Integrated Database (FCCID), which purports to be "the official public record of the business of the U.S. courts," does not code indictments for voter fraud. Instead, it includes a category of "election law violations," following the coding scheme of the Administrative Office of the U.S. Courts, which is responsible for compiling this data. I created a category of "election fraud violations" by excluding indictments for campaign finance violations; however, I was not able to further exclude non-voters. This measure, therefore, is not directly comparable to other sources of data on federal investigations and prosecutions of voter fraud cases cited in this report. On the FCCID, *see* Federal Judicial Center, "Description," Federal Court Cases Integrated Database, 2005, conducted by the Federal Judicial Center ICPSR04382 (Ann Arbor, Mich.: Inter-University Consortium for Political and Social Research).

litigation that produced scrupulous documentation of the electoral process.³⁷ In the end, after allegations of voter fraud surfaced during trial proceedings, Chelan County Superior Court Judge, Honorable John E. Bridges, concluded that some 25 ballots or .0009 percent of the total 2,812,675 ballots cast were invalid because they were either cast in the names of deceased voters or were double votes.³⁸ What the judge did not find was voter fraud.³⁹ In Judge Bridges's words, "The Court concludes that, having neither pled nor disclosed . . . fraud [it] 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."⁴⁰ Many of these ballots were mailed in for absentee voters, and the judge made no determination that any were in fact *fraudulently* (i.e., intentionally illegally) cast as opposed to attributable to a mistake.

The lack of substantiated evidence of voter fraud is also true in the context of non-citizen voting. Where non-citizen voter fraud has been alleged, careful analysis has revealed that there has been no fraud, but rather electoral irregularities caused by voter confusion, list-matching errors and administrative mistakes, and that very few non-citizen ballots were actually cast and even fewer counted. For example, the 1996 contested election for a U.S. House seat in Orange County, California between incumbent Robert Dornan and challenger Loretta Sanchez is one of the most cited cases of alleged non-citizen voter fraud of the last twenty years. However, multiple investigations conducted over a fourteen-month period, including a Congressional investigation triggered by Dornan's formal contest,⁴¹ ultimately found no evidence of fraud. Although the

³⁷ See chapter 6 of *The Myth of Voter Fraud* for a case study of this election.

³⁸ "Final Judgment Dismissing Election Contest with Prejudice and Confirming Certification of Election of Christine Gregoire," *Timothy Borders, et al. v. King County, et al.*, Case No. 05-2-00027-3, Superior Court of the State of Washington for Chelan County, June 24, 2005.

³⁹ In 2005, the King County Prosecutor Norm Maleng (a Republican) prosecuted eight criminal cases of voter fraud in the 2004 election. Seven of the eight were charged with voting for a deceased spouse, partner, or other relative, and one person was charged with voting twice after registering twice, once under his real name and again under an alias. All eight pleaded guilty. See Letter to Jonathan Bechtle from Norm Maleng, January 31, 2007 (on file with author). Some of the voter fraud perpetrators were in their seventies and eighties. The lawyer for one, Doris McFarland, age eighty-three, said his client "simply did not know what to do with the absentee ballot after her husband of 63 years, Earl, passed away" in the month before the election, so she signed his name and mailed the ballot. Another man, Robert Holmgren, age fifty-nine, told the judge for his case that "my wife died just before this election. My judgment was clouded by the grief, I'm really sorry for what I did." According to a news report, "The judge told each client the court was sorry for their losses and wished them luck." Gene Johnson, "Two Plead Guilty to Voting Twice in 2004 General Election," *Associated Press State & Local Wire*, June 2, 2005.

⁴⁰ *Ibid.*, 24.

⁴¹ In late July 1997, Richard Gephardt, the House Minority Leader, said that the

investigations, which relied on an unreliable methodology, concluded that a small number of non-citizens had voted, it was determined that they voted out of error and confusion rather than with the intent to deceive. None were prosecuted for voter fraud.⁴²

A recent academic journal article by Professor Jesse Richman and colleagues suggests that possibly millions of non-citizens voted in recent federal elections in the United States.⁴³ Analyzing data from an “opt-in” online survey that is not designed to sample non-citizens, Professor Richman suggests that non-citizens are fraudulently registering and voting in such significant numbers that they may have delivered the state of North Carolina to Barack Obama in 2008, and a “filibuster-proof majority” in the Senate by ensuring victory to the Democrats in Minnesota. In a teaser to his co-authored journal article, “Do non-citizens Vote in U.S. Elections?,” Professor Richman and one of his co-authors penned a “Monkey Cage” blog post for the Washington Post in which they claimed that “non-citizen votes could have given Senate democrats the pivotal 60th vote needed to overcome filibusters in order to pass health-care reform and other Obama administration priorities in the 111th Congress.”⁴⁴

These are serious allegations. Unfortunately, they are unsupported by Richman’s data. At best Richman’s work might suggest some small number of non-citizens cast ballots in the 2008, 2010, and 2012 elections. However, even the Heritage Foundation, a relentless promoter of the idea that non-citizens are polluting U.S. elections with fraudulent ballots, found only six non-citizens either registered to vote or voted in these elections in which more than 345 million ballots were counted.⁴⁵ As explained above, illegal ballots are not necessarily fraudulent ballots, and Richman *et al.*, improperly

inquiry was “totally out of control. . . . It costs money to pay lawyers and defend this contested election. The ulterior motive is to keep her [Sanchez] from raising funds for her reelection campaign.” He continued, “I also suspect they are trying to intimidate voting by new citizens nationwide and particularly in this district.” See Peter M. Warren, “House Inquiry Called Political Jab at Sanchez,” *Los Angeles Times*, Orange County Edition, July 26, 1997, B1.

⁴² For a full account of this case, see Minnite, *The Myth of Voter Fraud*, 49-56.

⁴³ Jesse T. Richman, Gulshan A. Chattha and David C. Earnest, “Do Non-citizens Vote in U.S. Elections?,” *Electoral Studies* 36 (2014), 149-157.

⁴⁴ Jesse T. Richman and David Earnest, “Could Non-citizens Decide the November Election?,” *Washington Post*, October 24, 2014; available at <https://www.washingtonpost.com/blogs/monkey-cage/wp/2014/10/24/could-non-citizens-decide-the-november-election/>.

⁴⁵ Heritage Foundation, “A Sampling of Election Fraud Cases from across the Country” (n.d.); available at http://thf_media.s3.amazonaws.com/2015/pdf/VoterFraudCases-8-7-15-Merged.pdf. The description of the information contained in the document as “a sampling” implies there are many more cases to be disclosed, however, no information is provided about the size of the universe of election fraud from which the sampling is drawn.

relying on a flawed online survey not designed to sample non-citizens, present not one iota of evidence that any fraudulent ballots were cast in those elections. In my own work, I document occasions when non-citizens have cast illegal ballots (i.e., the Dornan-Sanchez contest). In large measure, the evidence points to voter confusion or misunderstanding, or administrative mistakes as the source of the error, not an intent to corrupt the electoral process or gain control over the reins of government by means of deception and fraud.⁴⁶ This makes sense given that, under the 1996 Illegal Immigration Reform and Immigrant Responsibility Act, if convicted, non-citizens who unlawfully vote may be fined and face up to five years in prison. In addition, convictions for ‘alien voting’ and for making a false claim of U.S. citizenship to register to vote are deportable offenses.⁴⁷

D. Evidence from Kansas

i) Overview

This report focuses analysis on one form of alleged voter fraud in Kansas: the question of whether foreign-born people who are not yet citizens are intentionally registering and voting in the state. I also comment on alleged double voting in Kansas and specifically on alleged non-citizen registration fraud at Kansas motor vehicle offices because, taken together, allegations of all forms of alleged registration and voting fraud have repeatedly been confusingly (and imprecisely) propounded by the Kansas Secretary of State as evidence of a “massive” problem of voter fraud that simply does not exist.

My analysis of Kansas news sources published over the past thirty-three years revealed an interesting pattern. As describe in Appendix A, I searched an online database of twenty Kansas newspapers and other media outlets including the Associated Press’s state file, using the Boolean search terms (“vote fraud” OR “voter fraud” OR “election fraud”). This replicates the methodology I have used in previous research on voter fraud. Before 2010, there were fewer than a hundred ‘hits’ per year searching the Kansas file (often far fewer); beginning in 2010, there was an explosion of Kansas news articles that included these terms, signaling the emergence of an issue that coincided with the election of Kris Kobach as Secretary of State. Kobach had made ‘fighting voter fraud’ his signature campaign pledge.⁴⁸ In particular, the future Secretary zeroed in on

⁴⁶ For one man’s story, see Kirk Semple, “For Some Immigrants, Voting Is a Criminal Act,” *New York Times*, October 15, 2000.

⁴⁷ 18 U.S.C. § 611.

⁴⁸ When Kobach announced his candidacy on May 26, 2009, he said that voter fraud was a “very real problem” in Kansas. According to a story in the *Wichita Eagle*, Kobach said that fifty years ago, black Kansans were disenfranchised because of the color of their skin. Today, Kansans are disenfranchised when some casts “10 fraudulent ballots. I want to tackle that problem,” he continued, and if elected, he pledged to “clean house” in the Secretary of State’s office and push for voter identification legislation to make the system more secure. “Kris Kobach to Run for Kansas Secretary of State Next Year,” *Wichita Eagle*, May 26, 2009.

immigrants whom he portrayed as eager and determined serial violators of Kansas' election laws.

Once elected, Secretary Kobach aggressively argued for changes to Kansas law to require documentary evidence of U.S. citizenship for all new voter registration applicants; photo identification for all those voting in person; and changes to absentee mail-in voting procedures that would void absentee ballots if the signature on the ballot application was deemed by election officials to not match the signature on file.

Secretary Kobach's forceful publicizing of what he claimed was a "massive" problem of voter fraud in Kansas and the rest of the country constitutes a successful case of what public policy scholars call "agenda setting."⁴⁹ Having put a heretofore fringe issue – an alleged massive breach of electoral integrity stemming from unchecked 'non-citizen' voter fraud – squarely on the political agenda in Kansas through the repetition of unsubstantiated claims and framing, Secretary Kobach faced pressure from critics and skeptics to produce the evidence of this problem. Thus, Secretary Kobach's own evidence of voter fraud and, specifically, non-citizen voter fraud in Kansas, is dispositive and carries authority in my analysis. That evidence, as I discuss below, simply fails to sustain Secretary Kobach's vigorous claims that Kansas has a problem with non-citizen voter fraud, or voter fraud of any kind, for that matter. It is not reasonable to look at Secretary Kobach's evidence and draw the conclusion he does.

The flamboyant statements about the hitherto unknown threat of voter fraud polluting elections in Kansas made by candidate Kobach during his successful campaign for the Republican Party nomination for Secretary of State drew media attention to the down-ballot race. In announcing his candidacy, Kobach said, "Election crimes have been documented across the state, from fraudulent registrations, to vote-by-mail fraud.... In Kansas, the illegal registration of alien voters has become pervasive."⁵⁰

⁴⁹ See David Rochefort and Roger W. Cobb, "Problem Definition: An Emerging Perspective," pp. 1-31 in David Rochefort and Roger W. Cobb, eds., *The Politics of Problem Definition: Shaping the Policy Agenda* (Lawrence, Kansas: University Press of Kansas, 1994); and John W. Kingdon, *Agendas, Alternatives, and Public Policies*. Updated 2d ed. (New York: Longman, 2010).

⁵⁰ Dion Lefler, "Kobach to Run for Secretary of State," *Wichita Eagle*, May 27, 2009. At a campaign stop in Salina, Kobach told diners at the Western Sizzlin restaurant that his desire to be Secretary of State could be summed up in one word: "ACORN," referring to the Association of Community Organizations for Reform Now, a national community organizing group that engaged in vigorous voter registration and get-out-the-vote campaigns in low-income and minority communities. As I have detailed elsewhere, the ultimately successful politically-motivated assault on the organization turned on fabricated accusations. See Lorraine C. Minnite, "Voter Identification Laws: The Controversy Over Voter Fraud," pp. 88-133, edited by Matthew J. Streb, *Law and Election Politics: The Rules of the Game*, 2nd Ed., New York: Routledge, 2012. Kobach advanced this political agenda when he told his audience that "ACORN is a criminal enterprise" that engaged in voter fraud in at least three major cities in Kansas. See "Kris

Kobach's allegations of widespread voter fraud were immediately disputed by the sitting Secretary of State, Ron Thornburgh, a Republican who served in the office for sixteen years and earned a national reputation over that time as an effective election administrator. Through his spokesperson Stephanie Meyer, Thornburgh said, "The voter fraud Kris Kobach speaks of does not exist."⁵¹ Researchers in the Secretary of State's office found only seven cases of voter fraud referred to local, state or federal authorities in the previous ten years. Five of the cases involved double voting by people living in Colorado or near the Missouri border with Kansas, and two involved people obtaining absentee ballots under another person's name. There were no cases involving undocumented immigrants or non-citizens illegally voting.⁵²

As both a candidate and an office holder, Kris Kobach has made unsubstantiated claims about the extent of voter fraud in Kansas elections. Detailed below are his most significant allegations, which, as we will see, are not what the Secretary says they are – evidence of a "massive" problem of non-citizen voter fraud and double voting in Kansas. These include: alleged double voting by a "Muslim lady" in 2008; alleged fraudulent voting by five or six non-citizens in 2008 or 2009; and purported "alien" hog farm workers bussed in from Oklahoma to allegedly vote fraudulently in Sedgwick County in 1997. In addition, Secretary Kobach has repeatedly and erroneously cited alleged "alien" voting in Colorado, and alleged fraudulent voting by "Somali nationals" in Missouri as a threat to the integrity of Kansas elections. In what follows, I first discuss these claims; I then review the scant evidence of double voting in Kansas and recent claims of non-citizen registration at Kansas motor vehicle offices to assess whether Kansas' documentary proof-of-citizenship requirements for voter registration are justified as needed fraud-prevention measures.

ii) Alleged non-citizen voter registration and voter fraud in Kansas, Colorado and Missouri

a) A "Muslim lady" allegedly double votes in Wichita

Candidate Kobach responded to Secretary Thornburgh's finding of only seven cases of voter fraud referred to law enforcement in the previous ten years by arguing that there is much more fraud that goes undetected because it is either not reported or not investigated.⁵³ As an example, he cited the testimony of a Wichita woman named Kathy Perry before the Kansas Senate Ethics and Elections Committee in 2009. Perry worked as a provisional ballot judge at the Westlink Christian Church polling station. She described an incident in which a "Muslim lady, she had her headdress on," voted twice in

Kobach in Wichita," *Voice for Liberty in Wichita* [blog], May 28, 2009.

⁵¹ Lefler, "Kobach to Run for Secretary of State."

⁵² *Ibid.*

⁵³ *Ibid.*; see also Chris Hunter, "County Clerks Question Kobach's Bill," *Salina Journal*, January 21, 2011.

the 2008 general election, once in Oklahoma and again in Kansas. As reported by the *Salina Journal*, Perry testified that,

‘A lady with a thick foreign accent told us that she resided in Tulsa, Oklahoma, and Wichita, Kansas – asked to vote. She voted provisionally ... at 6:50 p.m. After we sealed her ballot, she asked if it was OK to vote in two states, and told us that she had driven from Tulsa, where she voted earlier in the day. I documented this on the envelope of the provisional ballot – she did, however, vote a second time in Kansas.’⁵⁴

According to Kobach, the incident was reported to the Sedgwick County district attorney for prosecution, but nothing was done. “I assume (District Attorney Nola Foulston) would take an interest in that,” Kobach said during his Salina campaign stop. “That’s why we have to change the structure of the system.”⁵⁵ The story continues:

But Foulston’s office said they have received no information about the incident. Sedgwick County Election Commissioner Bill Gale said he had looked into the matter and found nothing resembling criminal behavior. ‘That was one of several claims by that election worker,’ Gale said. ‘We weren’t able to find any substance to the claims.’⁵⁶

In Kansas, provisional ballots are witnessed by two poll workers, and an explanation for why the voter is casting a provisional ballot is written on the outer envelope. Neither of the witness signatures on the “Muslim lady’s” provisional ballot was Perry’s. The *Salina Journal* interviewed the two poll workers who witnessed the ballot and both said that the woman in question never said she voted in Oklahoma. Instead, she told them that she lived in Tulsa and also owned a home in Wichita; she was driving back to Tulsa and said she’d never make it back in time to vote, which is why she asked if she could vote in Wichita. The poll workers called the county election office and were told to let the woman vote. They gave her a provisional ballot and wrote “Lives in Tulsa, OK but wants to vote here. Also has a home in Wichita” on the envelope. The ballot was not counted.⁵⁷

At a news conference a week before the 2010 election, Kobach made several demonstrably false statements that created the impression that there was a problem with voter fraud in Kansas. First, Kobach claimed there were 1,966 deceased people registered to vote in the state (out of a population of some 1.7 million registered voters). “Every one of those 1,966 identities is an opportunity for voter fraud waiting to happen,”

⁵⁴ Duane Schrag, “Voter Fraud Claims Prove Elusive,” *Salina Journal*, June 18, 2009.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

he said.⁵⁸ And some of the deceased, Kobach continued, actually cast votes. He gave just one example, a voter named Alfred K. Brewer, a registered Republican in Sedgwick County with a birth date of January 1, 1900, who died in 1996, but had voted in the August 2010 primary. Kobach said his campaign had done its own research and discovered an Alfred K. Brewer who was born in 1904. “Is it the same one?” Kobach asked. “We are still trying to achieve confirmation of this but it certainly seems like a very real possibility.”⁵⁹

In fact, reporters contacted Alfred K. Brewer and found him in his yard, raking leaves, very much alive. He was surprised that people thought he was dead. “I don’t think this is heaven, not when I’m raking leaves,” he said.⁶⁰ This Alfred K. Brewer was the son of the deceased man with the erroneous birth date of January 1, 1900. That date is commonly used as a default date when the birth date is unknown (the presumption being that no actual registered voter is going to be that old).⁶¹

In addition to the Brewer allegation, Kobach identified six counties where the number of registered voters was larger than the population, as estimated by the Census Bureau, implying that there was something nefarious going on. In fact, given federal protections extended by the National Voter Registration Act of 1993 against partisan- or racially-motivated registration list purging practices, voter registration lists are often inflated with some number of dead people or people who moved away. Any comparison of the number of registered voters should exclude “inactive” voters who likely fall into these categories. A second likely source of error that Kobach does not appear to account for is that associated with Census Bureau population estimates in inter-census years. The smaller the jurisdiction, the higher the likely mis-estimation due to the normal limits of survey methodologies used by the Census. The counties identified by Kobach as having more registered voters than age-eligible adults were primarily rural and small, factors contributing to the likely inaccuracy of Census population estimates.

As an example, consider Smith County, one of the six counties identified by Kobach as suspect. At the time, Smith County had 3,342 registered voters, 308, or 9.2 percent, of whom were listed as inactive. Inactive voters cannot be purged until they are inactive for two federal election cycles and they fail to respond to mailings sent to confirm their address and eligibility. Kobach claimed Smith County had a voter registration rate of 109 percent, a likely over-estimate. Regardless, there is no evidence of voter fraud occurring as a result of out of date voter registration rolls in Smith County or in any of the counties identified as suspect by Kobach.

⁵⁸ Jeannine Koranda, “Dead Folks Voting? At Least One’s Still Alive,” *Wichita Eagle*, October 29, 2010.

⁵⁹ *Ibid.*

⁶⁰ *Ibid.*

⁶¹ *Ibid.* Sedgwick County reported that some 375 of their 260,000 registered voter records displayed the 1/1/1900 birthdate.

Thus, in just one news conference, Kobach made three inaccurate statements in support of his belief that voter fraud is a threat to the integrity of elections in Kansas. Nevertheless, within weeks of his inauguration, Secretary Kobach made good on his campaign promises and announced the introduction of legislation imposing new identification requirements on voters by his allies in the Kansas House of Representatives. Known as the S.A.F.E. (Secure and Fair Elections) Act (H.B. 2067), the principle justification of this legislation was “to prevent voter fraud in Kansas and to secure the integrity of Kansas elections.”⁶² He also directed his staff to compile a full accounting of election fraud cases, and continued to repeat the mantra that voter fraud was big problem in Kansas.⁶³

b) Six, or is it five, non-citizens cast ballots in 2008 or 2009 (none fraudulently)

Kobach’s office released a report in conjunction with his testimony before the House Elections Committee in 2011, documenting fifty-eight allegations of electoral irregularities involving at least 221 ballots since 1997, twice as many incidents as Thornburgh reported in 2009.⁶⁴ According to a story in the *Hutchinson News*, “The report includes instances in which six non-citizens cast ballots in 2008 or 2009, and Kobach noted that in 2009, the secretary of state’s office discovered that fifty-four non-citizens registered to vote.”⁶⁵ The figures do not match Kobach’s report, which documents, based on my count, only five (not six) non-citizens allegedly casting ballots, and just sixteen non-citizens registering to vote in Kansas from 1997 through 2010.⁶⁶

Two of the five non-citizens voted in Sedgwick County, and one of those voters voted in five federal elections in what appeared to be a case of confusion. Sedgwick County Election Commissioner Bill Gale said that he got a call from the U.S. Department

⁶² State of Kansas, Office of the Secretary of State, “Kansas Secretary of State Kris Kobach Introduces the Kansas Secure and Fair Elections (S.A.F.E.) Act,” News Release, January 18, 2011.

⁶³ John Hanna, “Kansas Secretary of State: Fraud Bigger Issue than Thought,” *Hutchinson News*, February 1, 2011.

⁶⁴ Dion Lefler, “Officials Say Only Two Cases of Voter Fraud in Sedgwick County,” *Wichita Eagle*, March 1, 2011.

⁶⁵ Hanna, “Kansas Secretary of State”; *see also* Earl Watt, “Kobach Proposes Legislation to Protect Kansas Elections,” *Southwest Times*, January 22, 2011.

⁶⁶ The Secretary of State’s Office updated the report in February 2012, adding a few more cases (the number of ballots potentially implicated rose from 221+ to 235+). None of the additional cases involved non-citizens. The report was re-issued to accompany Secretary Kobach’s testimony before the Kansas Senate Committee on Ethics and Elections on March 15, 2012. It had a slightly different title, but no new cases were added to the February 1, 2012 report. That document, titled “Known Reported Incidents of Election Crimes, 1997-2011,” is attached as Appendix C.

of Homeland Security about a woman who was applying for citizenship: “Apparently she had brought in something she had gotten from us with her voting history,” said Gale. “She thought it was something that would help her achieve U.S. citizenship.” Gale told the *Wichita Eagle* that the woman’s actions indicated it was a case of confusion, not intent to commit a crime.⁶⁷

The other non-citizen case in Sedgwick County involved a woman of Philippine birth who voted in a Wichita primary election in 2009. According to Sedgwick County District Attorney Nola Foulston, when the woman went to the driver’s license bureau to obtain a temporary license the state provides to documented foreign nationals, she was asked whether she also wanted to register to vote. “She felt that she was doing what she was supposed to do,” Foulston told the *Eagle* editorial board.⁶⁸

I also examined Secretary Kobach’s February 2012 report, which like the 2011 report, was prepared in conjunction with Secretary Kobach’s testimony before the Kansas House Elections Committee. Much of the information provided is incomplete and imprecise, making a proper accounting of actual fraud impossible.⁶⁹

⁶⁷ Lefler, “Officials Say Only Two Cases of Voter Fraud.” Gale did not know the outcome of the case, though Homeland Security told him that the woman committed a deportable offense. I discovered a similar case in Florida that resulted in a Pakistani-born legal permanent resident being deported, along with his wife and daughter, for getting registered to vote when he renewed his driver’s license. That man never cast ballot. The New York Times reported on the case (without attributing me as the source). See Eric Lipton and Ian Urbina, “In 5-Year Effort, Scant Evidence of Voter Fraud,” *New York Times*, April 12, 2007.

⁶⁸ “Waiting for Evidence,” Editorial, *Wichita Eagle*, March 2, 2011. See also Lefler, “Officials Say Only Two Cases of Voter Fraud.”

⁶⁹ The report most certainly contains many cases of voter error, and perhaps even illegal activity by voters that is, nevertheless, not fraud (i.e., a “felons voted” may or may not be a case of fraud). It also contains cases of possible violations of election laws that are not voter fraud. For example, one entry is for “electioneering near an advance voting location,” another is for “intimidation of poll workers,” and yet another reports “candidates and poll watchers intimidated voters by asking voters who they were and who they voted for.” Kobach included one dubious entry for “ballots taken to dark room and flashlight used to see how they were voted,” and another, “parent voted for college student by power of attorney.” Sedgwick County Election Commissioner Bill Gale said he has seen no cases that he would consider to be attempted fraud or voter impersonation and had no knowledge of a parent voting for a college student by power of attorney. “I couldn’t figure out that one,” said Gale (see Lefler, “Officials Say Only Two Cases of Voter Fraud”). Under the column “Actions Taken,” many cases were “referred to county attorney,” or are indicated “ballot challenged” or “provisional ballot not counted,” belying Kobach’s assertion that irregularities are not reported and when they are, often nothing is done. In terms of prosecutions and convictions, however, Secretary Kobach’s report is identical to that of his predecessors in office, Secretary Thornburgh and Secretary Biggs. Buried amongst “voters [who] had their voted ballots taken from mail

c) 'Alien' hog farm workers bussed in from Oklahoma to allegedly fraudulently vote in 1997

The S.A.F.E. Act was signed into law in April 2011. It included a proof-of-citizenship requirement for all new voter registration applicants, to go into effect on January 1, 2013, despite the lack of evidence that the problem of non-citizen registration and voting was “pervasive,” to use Secretary Kobach’s word.

In the interim, Secretary Kobach continued to make misleading statements about the scale and magnitude of the problem of voter fraud in Kansas. For example, in an op-ed published in the *Topeka Capital-Journal*, Kobach stated that,

When the S.A.F.E. Act was before the Legislature last year, the Cowley County clerk testified about a shocking case of aliens being used to manipulate an election. In 1997, a ballot issue was before voters concerning whether to allow a particular type of hog farming operation in the county. A few weeks before the election, a bus full of individuals believed to be aliens rolled up to the county clerk’s office, where they were unloaded and told to register to vote. The clerk realized what was happening, but she was powerless to stop it. Under Kansas law at the time, the clerk had to allow them to register as long as they filled out and signed their registration cards.

Kobach repeated this incident many more times, even though he had the wrong county (the alleged incident took place in Seward County⁷⁰). There is no reliable evidence that this story is true, and even if it were, there is little, if anything, to support the claim that any alleged voter fraud was perpetrated by non-citizens. Moreover, to the extent that anything objectionable occurred, it may be more a case of voter intimidation than voter fraud.

As told by Dee Leete, the Seward County clerk at the time, large-scale corporate hog farming was a highly contentious issue in the county, dividing farmers and even

box,” a “spouse voting for spouse,” and “registration applications received with KS address and MO zip codes” were the same dozen or so double and non-citizen voters that appear to have constituted the entire record of voter fraud in Kansas between 1997 and 2010.

⁷⁰ Secretary Kobach got the location right when he testified before a subcommittee of the U.S. House Committee on Oversight and Government Reform on February 12, 2015. See U.S. House of Representatives, Committee on Oversight and Government Reform, Subcommittee on National Security, and Subcommittee on Health Care, Benefits, and Administrative Rules, *Hearing on ‘The President’s Executive Actions on Immigration and Their Impact on State and Local Elections,’* Testimony of Kris W. Kobach, Kansas Secretary of State, February 12, 2015; available at <https://oversight.house.gov/wp-content/uploads/2015/02/Kobach-Testimony-House-OGR-21215.pdf>.

families over whether to permit it. According to Leete, “A lot of Liberal (Kansas) residents worked at Seaboard, a hog plant in Guymon, Oklahoma. The plant was registering workers down there and sending the registration cards to Liberal” in anticipation of a special election concerning the expansion of Seaboard’s hog farming operations in Seward County.⁷¹ Some 600 Seaboard employees lived in Seward County.⁷²

Leete was informed by the human resources personnel at Seaboard that they would send information to her verifying that the people they were registering to vote were citizens, “but they never sent anything to my office,” she said. She received an anonymous phone call from a woman who claimed to have seen illegal activity at the plant, with people who said they did not live in Liberal told to make up an address for their voter registration application. And, indeed, some of the addresses on registration applications submitted by the hog plant workers did not exist, at least in Liberal.

As the election approached, the Oklahoma hog plant owner began bussing workers to Liberal to register to vote, and several of them, according to Leete, were unable to understand enough English to read the ballot question. Corporate hog farming was banned in Seward County as a result of the election, but Leete remains convinced that there was fraud, though there was not enough evidence to prove it and no one was prosecuted.

d) Alleged ‘alien’ voting in Colorado

Secretary Kobach has also frequently cited to allegations of non-citizen voting elsewhere. In the same *Topeka Capital-Journal* op-ed that referenced the Oklahoma hog farm incident, Kobach made reference to allegations in Colorado that nearly 5,000 illegally registered non-citizens voted in the 2010 election. He stated, “In Colorado, the secretary of state’s office recently identified 11,805 aliens illegally registered to vote in the state, of whom 4,947 voted in the 2010 elections.”⁷³ Upon winning election in 2010, Colorado Secretary of State Scott Gessler claimed some 16,000 non-citizens were registered to vote in Colorado, and that he had identified 11,805 potentially fraudulent non-citizen voters because they used non-citizen identification for drivers’ licenses.⁷⁴

It turns out, Gessler’s office used a flawed methodology, assuming those people

⁷¹ Russ Morgan, “Kobach Got His Geography Wrong,” *Winfield Daily Courier*, July 6, 2013.

⁷² Linda Kane, “Seward Voters Reject Corporate Hog Farm,” *Amarillo Globe News*, September 17, 1997.

⁷³ Kris Kobach, “Elections Must Be Secure,” *Topeka Capital-Journal*, January 24, 2012.

⁷⁴ Susan Greene, “Two Down, Two to Go in SOS Scott Gessler’s Voter Fraud Manhunt,” *Colorado Independent*, September 8, 2014; available at <http://www.coloradoindependent.com/149171/two-down-two-to-go-in-sos-scott-gesslers-voter-fraud-manhunt>.

were, in fact, still non-citizens when they registered (and in some cases, voted).⁷⁵ When skeptics asked for the underlying information, staffers then used a federal database to check the names, and dramatically whittled the 11,805 number of potential non-citizens voter registrants down to 155. Boulder County District Attorney Stan Garnett reviewed the seventeen cases the secretary of state forwarded to him from the list. The *Boulder Daily Camera* reported that Garnett found that all seventeen were easily able to confirm their status as citizens.⁷⁶ Of these 155 alleged non-citizens on Colorado's registration rolls, only 35 had actually ever voted, .001 percent of the state's registered voters.⁷⁷

e) Somali nationals allegedly steal an election in Missouri

Another story of "alien" voting elsewhere that Secretary Kobach has repeated many times concerns a 2010 contested Democratic primary race in Kansas City, Missouri for the 40th District of the Missouri House of Representatives. John J. Rizzo defeated Will Royster by three votes (667 to 664). A recount shaved Rizzo's margin of victory to one vote (664 to 663). Royster appealed, filing a petition with the Jackson County Circuit Court. One of his claims concerned illegal voter assistance to non-English speaking Somali voters. Here is how Kobach told the story in his January 24, 2012 op-ed in the Topeka Capital-Journal:

Another incident [of immigrants corrupting U.S. elections] happened in 2010, just across the state line. In the 2010 state representative race in Kansas City, Mo., between J.J. Rizzo and Will Royster, the election was allegedly stolen when Rizzo received approximately 50 votes illegally cast by citizens of Somalia. According to eyewitnesses, the Somalis, who didn't speak English, were coached to vote in his favor by an 'interpreter' at the polling place. The margin of victory? One vote.⁷⁸

Kobach is simply factually wrong, if Missouri courts are to be believed. A Missouri appeals court upheld a lower court ruling against Royster in October of 2010, finding that no fraud, in fact, took place. Evidence was presented in the bench trial that several voters had difficulty in communicating with the election judges, in reading and writing, and some may have been blind or physically disabled. One or more persons attempted to help these people by interpreting for them, and at least one interpreter many have been a family member. Election judges who testified all said, without contradiction,

⁷⁵ Jack Minor, "Gessler's Office Clarifies Remarks about 5,000 Illegals Voting in Last election," *Northern Colorado Gazette*, June 11, 2011.

⁷⁶ Susan Greene, "Lone Prosecutor in Gessler Anti-Vote-Fraud Campaign Drops First Case," *Colorado Independent*, June 11, 2014, available at <http://www.coloradoindependent.com/147774/colorado-voter-fraud-case-dropped-had-been-touted-as-first-of-many>.

⁷⁷ *Ibid.*

⁷⁸ Kris Kobach, "Elections Must Be Secure," Op-Ed, *Topeka Capital-Journal*, January 1, 2012.

that all persons who were given a ballot were registered voters who showed proper identification in the check-in process. The court found, and the appeals court agreed, that there was no fraudulent activity of any kind in that election, that no person who was not properly registered to vote voted, nor that any registered voter was prevented from casting their ballot as they intended.⁷⁹

Nevertheless, even after the Missouri court ruling, Kobach has continued to repeat this story as evidence in support of his claims of widespread voter fraud. For example, he repeated the story in a May 23, 2011 op-ed in the *Wall Street Journal*,⁸⁰ a July 8, 2011 op-ed in the *Washington Post*,⁸¹ a 2012 *Syracuse Law Review* article,⁸² a June 29, 2013 op-ed in the *Wichita Eagle*,⁸³ in testimony before a subcommittee of the U.S. House Committee on Oversight and Government Reform on February 12, 2015,⁸⁴ and again in an interview with nationally syndicated radio host John Hockenberry as recently October 21, 2015, offering the story as a flagrant example of a U.S. election stolen by fraudulent non-citizen voting.⁸⁵

iii) Double voting in Kansas

After his initial legislative victory with the passage of the S.A.F.E. Act, Secretary Kobach continued to push for more structural change, urging lawmakers to move up the January 1, 2013 date for commencement of the state's new documentary proof-of-citizenship requirement for new voter registration applicants, and for the authority to restructure the Secretary of State's position by granting the Secretary of State criminal prosecutorial power over voter fraud. At a February 12, 2013 hearing on a bill to give

⁷⁹ *Royster v. Rizzo, et al.*, Missouri Court of Appeals, Western District, Case No. WD72947, available at <http://www.courts.mo.gov/file.jsp?id=41678>.

⁸⁰ Kris Kobach, "The Case for Voter ID," Op-Ed, *Wall Street Journal*, May 23, 2011.

⁸¹ Kris Kobach, "Voter Photo ID Laws Are Good Protection against Fraud," Op-Ed, *Washington Post*, July 8, 2011.

⁸² Kris W. Kobach, "Why Opponents Are Destined to Lose the Debate on Photo ID and Proof of Citizenship Laws: Simply Put – People Want Secure and Fair Elections," *Syracuse Law Review* 62, no. 1 (2012), 1-14.

⁸³ Kris W. Kobach, "Kansas' Voter Law Isn't the Same as Arizona's," Op-Ed, *Wichita Eagle*, June 29, 2013.

⁸⁴ See note 70.

⁸⁵ John Hockenberry's interview with Kris Kobach may be heard here: http://www.thetakeaway.org/story/kansas-toughest-place-vote-america/?utm_source=local&utm_medium=treatment&utm_campaign=featuredcomment&utm_content=article. Hockenberry's *The Takeaway* is a widely distributed national news program produced through a partnership with Public Radio International, WNYC Radio, the New York Times, and WGBH Radio.

Kobach such power, he was challenged again to provide evidence of his claims. According to the *Topeka Capital-Journal*, he testified that voter fraud is a real problem, one that law enforcement in Kansas was not taking seriously enough. “These crimes always find their way to the bottom of the stack,” he said. “Why is that? Because county attorneys are overworked and understaffed.”⁸⁶

Kobach claimed his office referred eleven double-voting violations to county prosecutors and that nothing was done. Countering Kobach, Johnson County District Attorney Stephen Howe, testifying on behalf of the Kansas County and District Attorneys Association, said that “Kobach’s bird’s-eye view of widespread voter fraud crumbles when investigated by those on the ground.” By way of example, Howe said that one double-voter his office investigated turned out to be an elderly man showing “the early stages of dementia.” Another was a developmentally disabled man. “Are we supposed to prosecute that case?” asked Howe. “I chose not to.”⁸⁷

Kobach has insisted over and over again that paltry number of cases of non-citizen voting and double voting and voter fraud more generally are a result of the fact that local and federal prosecutors turn a blind eye to voter fraud. But he has never substantiated this. On October 30, 2014, he told a Topeka television station, WIBW News, that his office referred 23 voter fraud cases to county prosecutors and to the Kansas U.S. Attorneys Office. He added that U.S. Attorney Barry Grissom did not “know what he’s talking about” when he said that voter fraud does not exist in Kansas.⁸⁸ Hearing that, U.S. Attorney Grissom double checked with his voting rights specialist, and in a November 6, 2014 letter to Kobach, said that he confirmed “what I already knew which is your office has not referred a single voter fraud case to this office during your time as Secretary of State.” He continued,

Going forward, if your office determines there has been an act of voter fraud please forward the matter to me for investigation and prosecution. Until then, so we can avoid misstatements of facts in the future, for the record, we have received no voter fraud cases from your office in over four and a half years. And, I can assure you, I do know what I’m talking about.⁸⁹

⁸⁶ Andy Marso, “Mah Re-engages with Kobach on Voter Fraud,” *Topeka Capital-Journal*, February 12, 2013.

⁸⁷ *Ibid.*

⁸⁸ Grissom told the Hutchinson News that voter fraud does not exist in Kansas. “How do I know,” he asked. “I’m the guy who prosecutes them.” The Hutchinson News reported that “[Grissom] hasn’t had a case in his three years as a U.S. Attorney. The pending vases were more voter ‘stupidity’ than fraud, where people voted in two places because they were residents or had land in two places.” See Kristen Roderick, “U.S. Attorney: U.S. Working Toward More Perfect Nation,” *Hutchinson News*, May 2, 2014.

⁸⁹ For a copy of Grissom’s letter to Kobach (with the subject line, “Misinformation”), see <http://www.kwch.com/blob/view/-/31217114/data/1/-/46qeobz/>

iv) Secretary Kobach's prosecutorial authority

Secretary Kobach's persistence in seeking criminal prosecutorial authority eventually paid off. He told the Associated Press in May 2015 that should the legislature pass and the governor sign off on an expansion of his power to prosecute voter fraud, his office would launch its first prosecutions in July or August. He said there were "almost 100" cases of double-voting in the 2014 election, and that, "Once the authority is official, we will begin immediately to prepare cases for prosecution."⁹⁰ The 2014 elections replaced a number of moderate Republicans in the State Senate who had opposed giving Kobach prosecutorial power with Republicans who aligned politically more with Kobach, and the legislation was approved and signed into law by Governor Brownback on June 1, 2015.

At the time of writing, Secretary Kobach has had prosecutorial power that he can use to pursue criminal indictments for voter fraud for nearly eight months. He has been in office for over five years, over which time, he says he has amassed evidence of a pervasive problem of voter fraud, and specifically non-citizen voter fraud in Kansas. He has told a congressional committee that "the problem of aliens registering to vote is a massive one, nationwide. And I have seen it firsthand in Kansas."⁹¹ He has claimed that his inability to prosecute these cases himself is the reason why "massive" voter fraud in Kansas has not been made evident and visible for all to see. Now that he has that power, what has been the result?

Secretary Kobach did not file any cases in July or August, as he said he intended to do, and he did not file any cases in September, in Sedgwick County, as he told the *Wichita Eagle* he planned to do, or anywhere else in Kansas. The Secretary's first cases were filed on October 9, 2015, against three alleged double voters in their 60s: an alleged double voter in Sherman County charged with voting there and in Hale, Colorado in 2010, 2012, and 2014; and a married couple in Johnson County, charged with misdemeanors for registering to vote in Olathe, Kansas and Yellville, Arkansas. Election officials said the couple voted in both places in 2010. Notably, these people are not immigrants lying about their citizenship status so that they could vote in Kansas elections; they are people with property in two states who allegedly cast ballots in both

/Letter-from-Grissom-to-Kobach.pdf. Grissom told the Associate Press in February 2015 that Kobach never replied to his letter. Kobach acknowledged to the AP that his office never sent suspected voter fraud cases to Grissom, citing instead what he believed was inaction on referrals made by his predecessor. But Grissom disputed this claim, as well, reporting that the FBI determined two cases referred before Kobach took office in January 2011 were not voter fraud. See Roxana Hegeman, "Prosecutors Question Kobach Claims of Voter Fraud in Kansas," *Associated Press*, February 10, 2015.

⁹⁰ Nicholas Clayton, "Kobach Says He Is Preparing to Prosecute Election Fraud," *Associated Press*, May 21, 2015.

⁹¹ U.S. House of Representatives, *Hearing on 'The President's Executive Actions, Testimony of Kris W. Kobach*, 1.

places.

Kobach has argued in his defense that there will never be enough prosecutions to satisfy his critics or persuade them that voter fraud is a widespread problem of unknown proportions. “If we prosecuted, you know, 30 cases this month they would still say that’s [not] enough voter fraud to worry about,” he said. “They’re never going to be persuaded, nor am I going to try to persuade them.” In an interview with the *Wichita Eagle*, he would not say whether he has found any cases of non-citizens voting before 2013 that he plans to prosecute, but he did offer that the documentary proof-of-citizenship law for new voter registration applicants had prevented non-citizens from registering. He cited Sedgwick County, where there were multiple cases of “aliens who attempted to register but were successfully prevented from registering by our new law.”⁹² And indeed, the Sedgwick County Elections Office confirmed that at least seventeen non-citizens had attempted to register in the county and were denied.⁹³ However, it is not clear whether these people knew that they were ineligible to register to vote, whether it was state officials who erred in attempting to register them to vote, whether these individuals were thwarted when they had to check a box attesting to citizenship on the voter registration form, or whether it was the proof-of-citizenship requirement that prevented them from registering.

On January 25, 2016, Secretary Kobach told the Kansas House Elections Committee that he filed three more cases of alleged voter fraud.⁹⁴ Again, none of the three people charged were non-citizens.

v) Non-citizen registration at the Kansas Division of Vehicles

Plaintiffs’ Complaint for Injunctive and Declaratory Relief specifically challenges the application of Kan. Stat. Ann § 25-2309(l), the “documentary proof-of-citizenship law” (or DPOC law), by the Kansas Secretary of State’s office, and its operation with regard to so-called “motor voter” registrations.⁹⁵

Secretary Kobach, in a recent letter to the Executive Director of the U.S. Election Assistance Commission, Brian Newby, included a spreadsheet “which identifies eighteen noncitizens who registered or attempted to register in Sedgwick County, Kansas.”⁹⁶ Of

⁹² Bryan Lowry, “Kobach’s Voter Prosecutions Draw Scrutiny to Proof-of-Citizenship Requirement,” *Wichita Eagle*, October 18, 2015.

⁹³ *Ibid.*

⁹⁴ State of Kansas, Office of the Secretary of State, “Secretary of State Kris Kobach Announces Six Voter Fraud Prosecutions in Six Months and Offers Bill to Bring Audits of Election Equipment to Kansas,” News Release, January 25, 2016.

⁹⁵ See Complaint for Injunctive and Declaratory Relief, *Fish v. Kobach*, U.S. District Court for the District of Kansas, February 18, 2016, 2.

⁹⁶ Letter from Kansas Secretary of State Kris W. Kobach to Brian Newby, Executive Director, U.S. Elections Assistance Commission, dated November 17, 2015, *available at*

the eighteen, seven allegedly successfully registered prior to the effective date of the Kansas DPOC law. According to the spreadsheet, the remaining eleven people attempted to register, and they did so in 2013 and thereafter. As of August 2015, there were 270,801 registered voters in Sedgwick County.⁹⁷ Thus, even if we assumed that all eighteen non-citizens had managed to successfully register (and stay on the rolls), the number would constitute only 0.0066% of the 270,801 registered voters in the County. Furthermore, as discussed in more detail below, the small numbers of alleged registrations or attempted registrations are largely isolated incidents of error or confusion, not a “pervasive” problem of non-citizen registration and voting in Kansas.

Ten of the eighteen registrations and registration attempts appear to have been processed by the Kansas Division of Vehicles (“DMV”) and electronically transmitted to the Secretary of State’s office; one of the eighteen, from 2003, before the Kansas DMV began electronically transmitting data to the Secretary of State’s office, originated via a “DMV paper address change;” another from 2010 states that the origin of the registration was “Motor Vehicle Office” without indicating that it was electronically transmitted. A total of twelve of the eighteen registration or registration attempts thus came through the DMV.

Of the seven allegedly successful non-citizen registrations, three were generated via the DMV (the two paper and one electronically-transmitted records). All were discovered when the Sedgwick County Election Office conducted voter registration at naturalization ceremonies.

In none of the total twelve DMV-originating cases on Secretary Kobach’s spreadsheet did the registrant vote. In fact, the only person among the eighteen people on Secretary Kobach’s list who is recorded as having voted is the woman described above, who in applying for U.S. citizenship sometime around 2010, presented her Kansas voting record to federal immigration officials as evidence of her good moral character.⁹⁸

The notes on the spreadsheet make apparent that among the eleven people attempting to register to vote while applying for driver’s licenses at the DMV between 2013 and 2015, most if not all of them were not intent on committing fraud. Rather, they attempted to register in error or confusion. For example, the notes for one of these cases states, “Applicant returned Proof of Citizenship notice with note saying that the applicant was not a citizen.” Another person “called Sedgwick County Election office to report

<http://www.eac.gov/assets/1/Documents/Newby%20Ltr%2011-19-2015.pdf>. For ease of reference, the letter and spreadsheet are included in this report as Appendix D.

⁹⁷ State of Kansas, Office of the Secretary of State, “2015 August (OFFICIAL) Voter Registration Numbers,” *available at* http://www.kssos.org/elections/elections_registration_voterreg.asp.

⁹⁸ In 2011, Sedgwick County election officials cited one other case that does not appear on Kobach’s November 17, 2015 spreadsheet: the Filipino woman discussed above in Section III.B.ii.b (see Lefler, “Only Two Cases of Voter Fraud”).

that he is not a citizen.” And a third “came into the Sedgwick County Election Office on 10/2/2015 to provide proof of citizenship. Applicant provided a ‘Residential Alien’ card. Sedgwick County Election Office asked if applicant was a U.S. Citizen. Applicant said No.”

Secretary Kobach implies that his spreadsheet of eighteen non-citizens registering or attempting register to vote in Sedgwick County since 2003 is just the “tip of the iceberg.”⁹⁹ However, if we cross-check his Sedgwick County list against his 2012 spreadsheet of “Known Reported Incidents of Election Crimes” for all counties, from 1997 to 2012, we must conclude that rather than represent only a tiny fraction of all potential cases of non-citizen voter fraud in Kansas, the Sedgwick County cases represent most of the cases of non-citizens registering to vote and voting in Kansas elections. Secretary Kobach’s 2012 spreadsheet lists just sixteen non-citizens registering to vote, only five of whom may have voted, across the entire state. Nine of those sixteen non-citizen registrants appear to have registered in Sedgwick County. The spreadsheet accompanying Secretary Kobach’s November 17, 2015 letter to EAC Director Brian Newby lists just seven non-citizens registering to vote in Sedgwick County before 2011. If Sedgwick County is the “tip of the iceberg” of illegal non-citizen voter registration in Kansas, there is no iceberg.

It is not surprising that there is no evidence of non-citizens fraudulently registering to vote when obtaining their driver’s licenses in Kansas. All new driver’s license or non-driver ID card applicants – citizens and non-citizens alike – are screened to positively verify their citizenship status whether they opt to register to vote (in accordance with the National Voter Registration Act of 1993 and Kan. Stat. Ann. § 25-2352) or not. It is my understanding that all new applicants for driver’s licenses in

⁹⁹ Presumably to convey the message that the record of non-citizen registration in Kansas is much broader than what he presents as evidence from Sedgwick County, Secretary Kobach’s letter to EAC Director Newby points out that Sedgwick County is “just one of Kansas’s 105 counties” (p. 2). On October 16, 2015, Secretary Kobach was a guest on Fox News’s nationally syndicated cable program, “The O’Reilly Factor.” When asked by Geraldo Rivera, “How many cases of voter fraud have you found, where people who are not citizens of the United States have attempted to vote in our elections?,” Secretary Kobach replied, “We found over 30 cases of aliens who have either gotten on our voter rolls and registered successfully before our law and we found them afterward, or attempted to register after the law went into effect two years ago and we successfully stopped them. And most of those come from one county that’s doing most of the statistics on this. We’ve got 105 counties, so that’s just the tip of the iceberg.” See “Geraldo Rivera Calls Out Kansas GOP Official for Drafting a Voter ID Law Aimed at ‘Suppressing the Vote,’” Media Matters, October 16, 2015, *available at* <http://mediamatters.org/video/2015/10/16/geraldo-rivera-calls-out-kansas-gop-official-fo/206230>. I would infer from Secretary Kobach’s February 1, 2012 testimony before the U.S. House Committee on Elections, and the spreadsheet “Known Reported Incidents of Election Crimes, 1997-2011” that he provided to the committee at that time, that the “one county that’s doing most of the statistics” on non-citizen voter fraud is Sedgwick County.

Kansas must provide documentary proof of lawful presence in the United States in order to obtain a valid Kansas driver's license or non-driver ID card, and that such documents will clearly identify driver's license applicants either as citizens or lawfully-present non-citizens.¹⁰⁰ In addition, it appears that certain non-citizen applicants are issued a distinct (and therefore presumably identifiable) driver's license that "clearly indicate[s] that it is temporary" and that is valid only during the period of time of the applicant's authorized stay in the United States, or for up to one year if there is no definite end to the period of stay.¹⁰¹

The Kansas Driver's License Handbook for Vehicles states that "[n]on-U.S. citizens [applying for a Kansas driver's license or non-driver ID card] must be processed through the System Alien Verification for Entitlement (SAVE) prior to application for Credentials."¹⁰² SAVE refers to a database maintained by the U.S. Department of Homeland Security's Citizenship and Immigration Service (USCIS).¹⁰³ The Handbook continues, "The DLFS [Driver Licensing Field Services] will retain images or copies of any document presented."¹⁰⁴ According to the Kansas Department of Revenue website, to obtain a driver's license or non-driver identification card, non-citizen applicants must present documentation to a Driver's License Examiner "sufficient to initiate and complete a SAVE verification."¹⁰⁵

Kansas DMV offices began collecting and transmitting voter registration data electronically in 2008.¹⁰⁶ According to Kansas Election Standards adopted in 2002, and revised in 2014,

¹⁰⁰ Kan. Stat. Ann. § 8-240(b)(2).

¹⁰¹ According to Kan. Stat. Ann. § 8-240(b)(2) and (3), these non-citizen applicants are those "lawfully admitted for temporary residence," and any applicant who provides as "evidence of lawful presence" "a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States"; "a pending application for asylum in the United States"; "a pending or approved application for temporary protected status in the United States"; an "approved deferred action status"; or "a pending application for adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States."

¹⁰² Kansas Driver's License Handbook, 2014, 1, available at <http://www.ksrevenue.org/pdf/dlhb.pdf>.

¹⁰³ Fatma Marouf, "The Hunt for Noncitizen Voters," *Stanford Law Review Online*, vol. 65 (2012), 66-72, available at <http://scholars.law.unlv.edu/cgi/viewcontent.cgi?article=1824&context=facpub>.

¹⁰⁴ *Ibid.*

¹⁰⁵ See also Kansas Department of Revenue, "Driver's License Proof of Identity," available at <http://www.ksrevenue.org/dmvproof.html>.

¹⁰⁶ Steven Rosenfeld, "Paperless Voter Registration: Innovations in Three States," Project Vote (Washington, D.C., 2010), 4-5, available at <http://www.projectvote.org/wp-content/uploads/2010/01/Paperless-Registration-Case-Study-FINAL.pdf>.

Using the basic information collected for driver's licenses, the driver's license examiners ask several additional questions required for voter registration – citizenship and age questions, party affiliation and phone number – and transmit the information with the digitized signature attached from the driver's license database. The vote registration data is processed through the statewide voter registration database, sorted by county and sent to each county election office through the Agency Central module.¹⁰⁷

Thus, current Kansas DMV procedures ensure that all new driver's license and non-driver ID card applicants must submit documentary proof of legal status (citizen or non-citizen). Procedures in place before 2013, along with all other safeguards against non-citizen voter fraud and the irrationality of committing it, are working very well in protecting the integrity of Kansas elections.¹⁰⁸ Requiring voter registration applicants who avail themselves of the opportunity to register to vote at DMV offices (as provided for in both Kansas and federal law) to separately submit documentary proof-of-citizenship to Kansas election officials is entirely unnecessary because there is no substantial problem of non-citizen voter registration.

D. Conclusion

To summarize the evidence of non-citizen registration and voting in Kansas over at least the last fifteen years: Kansas Secretary of State Kris Kobach has repeatedly insisted that non-citizen voter fraud in Kansas is “pervasive,” and “massive.” However, his office has produced very little evidence that non-citizens are registering to vote or voting in Kansas. His February 9, 2011 report lists allegations concerning sixteen non-citizens registering to vote, five of whom were alleged to have voted, plus an unspecified number of “aliens” bussed in from Oklahoma by Seaboard Foods Corporation's hog farming operation, allegations that were never proved. Secretary Kobach updated this report as part of his February 1, 2012 testimony before the Kansas House Committee on Elections, in support of H.B. 2437 (proposing to move the effective date of the proof-of-citizenship requirement from January 1, 2013 to June 15, 2012). He added no new non-citizen voting allegations or cases.

The Secretary of State's office has been unable to produce evidence that non-citizens are deliberately registering to vote at DMV offices knowing that they are ineligible to do so. In the few cases in Kansas since 1997 in which non-citizens have gotten registered to vote through ‘motor voter’ procedures, none appear to have voted. Policies in place before the Kansas DPOC law came into effect (January 1, 2013) and

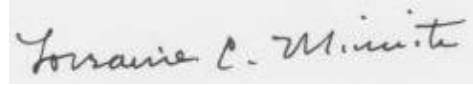
¹⁰⁷ Kansas Election Standards, Revised July 7, 2014, I-4.

¹⁰⁸ As discussed above, over at least ten years prior to January 1, 2013 when the DPOC law went into effect, there were just seven cases of alleged non-citizen registration at DMVs in Sedgwick County according to the spreadsheet accompanying Secretary Kobach's November 17, 2015 letter to EAC Director Brian Newby.

currently on the books require new driver's license applicants to provide documentary proof of citizenship or legal status.

Finally, since Secretary Kobach has had prosecutorial power to bring voter fraud cases, he has brought exactly zero cases of alleged non-citizen registration or voting.

Executed on February 25, 2016.

A handwritten signature in cursive script that reads "Lorraine C. Minnite". The signature is written in black ink on a light-colored background.

Lorraine C. Minnite

Description and Results of Access World News (Newsbank) Database Search

Newsbank's Access World News database is a premier academic resource providing full-text content of over 2,200 North American newspapers and more than 1,200 international newspapers, plus 300 wire services and over 200 broadcast news transcripts.¹ The entire collection or a selection of newspapers by specific title, region, state, country, or continent can be searched.

For this report I searched the Access World News Kansas state file for local news reports concerning voter fraud in Kansas, using the Boolean search term: ["vote fraud" OR "voter fraud" OR "election fraud"] for October 23, 1984 to February 3, 2016. The newspaper records in Access World News go back 10 to 30 years (see "Kansas Newspapers and News Sources Included in Access World News Database" below for details). The search produced 1,927 "hits." I then scanned the titles and abstracts and selected a set of **108 articles**, to read and analyze in full.²

1. "Kansas Secretary of State Pursuing 3 New Criminal Cases." *Associated Press State Wire: Kansas*, Jan 25, 2016.
2. "Criminal Voting - Kobach Prosecutes Voters, Avoids More Serious Concern." *Hutchinson News*, Oct 19, 2015.
3. "Former Kansas Man Pleads Guilty in Unlawful-Voting Case." *Associated Press State Wire: Kansas*, Dec 03, 2015.
4. "Kansas Voter List Purge Affects Young, Unaffiliated the Most." *Associated Press State Wire: Kansas*, Sep 28, 2015.
5. "Kobach Can't Stand the Suspense." *Salina Journal*, Sep 07, 2015.
6. "Eagle Editorial: All Not Well on Voting." *Wichita Eagle*, Jun 26, 2014.
7. "Kobach: Most Double Registrations Unintentional." *Associated Press State Wire: Kansas*, Apr 21, 2014.
8. "Eagle Editorial: Kobach's Latest Folly." *Wichita Eagle*, Aug 04, 2013.

¹ See, <http://www.newsbank.com/about-newsbank>, for more information.

² I intended my search to be over-inclusive, and as a result, it produced many articles of no relevance to voter fraud in Kansas, for example, coverage of elections in Afghanistan and the Ukraine where fraud was alleged. In screening out the irrelevant material, I also excluded duplicate articles reporting redundant facts. Identical wire service stories, for example, might be published across several different Kansas newspapers. Only one version of the story was included in the final set of articles I reviewed in full.

9. "Kobach Rebuffed." *Hays Daily News*, May 06, 2013.
10. "Would-be Voters are Exasperated by Kansas's New Registration Law." *Olathe News*, Sep 02, 2013.
11. "Kobach Discusses Voter ID Law." *Hays Daily News*, Jun 13, 2012.
12. "Voter Fraud." *Hays Daily News*, Nov 27, 2012.
13. "Voting Facts Not Quite Straight." *Morning Sun (Pittsburg, KS)*, May 30, 2012.
14. "Sedgwick County Removes 141 Deceased Voters from Rolls." *Dodge City Daily Globe*, Aug 25, 2011.
15. "Analysis: Moderates Could Sink Kobach's Bid." *Hays Daily News*, Aug 16, 2010.
16. "Kobach's Heavy Baggage is Relevant." *Wichita Eagle*, Jun 10, 2010.
17. "Voter Fraud a Real Problem." *Wichita Eagle*, Jul 01, 2010.
18. "ID Rules Disenfranchise Kansas Voters." *Wichita Eagle*, Mar 22, 2007.
19. "Secretary of State Candidate Clarifies Printed Information." *Dodge City Daily Globe*, Jun 21, 2006.
20. "Board OK's St. Paul's Land Transfer." *Parsons Sun*, May 11, 2005.
21. "3 Charged with Voting in Both Kansas and Missouri." *Lawrence Journal-World*, Oct 22, 2004.
22. "Voter ID Dispute Could Cost Money, Lead to Lawsuits." *Chanute Tribune*, May 27, 2003.
23. "Voters Would Have to Show ID at Polls Under Bill." *Chanute Tribune*, Apr 10, 2003.
24. "Kobach Talks Voter ID at Forum." *Morning Sun (Pittsburg, KS)*, May 25, 2012.
25. "Kobach's Bid for Prosecuting Power Failed in Final Hour." *Topeka Capital-Journal*, Jun 02, 2013.
26. "Why Move Up Voter ID Changes?" *Ottawa Herald*, Jan 20, 2012.
27. "Supreme Court Will Hear on Voter I.D. Laws Monday." *Topeka Capital-Journal*, Mar 17, 2013.

28. "Kansas Lawmakers Have Voter Law in their Sights." *Wichita Eagle*, Jan 12, 2014.
29. "Kobach Files 3 More Election Crime Cases, Including One in Sedgwick County." *Wichita Eagle*, Jan 25, 2016.
30. "Attorney for Sherman County Man Facing Voter Fraud Charges Seeks to Dismiss Case." *Wichita Eagle*, Nov 04, 2015.
31. "Judge Rejects Voter's Request for Dismissal in Kobach Fraud Case." *Wichita Eagle*, Dec 07, 2015.
32. "Kobach's Voter Prosecutions Draw Scrutiny to Proof-of-Citizenship Requirement." *Wichita Eagle*, Oct 18, 2015.
33. "Kris Kobach Files to Prosecute Three Voter Fraud Cases in Kansas." *Wichita Eagle*, Oct 13, 2015.
34. "Secretary of State Kris Kobach to Begin Prosecuting Voter Fraud Cases in September." *Wichita Eagle*, Aug 06, 2015.
35. "Kobach - Outlines Vote Law." *Manhattan Mercury*, Jun 05, 2012.
36. "Voter Fraud? Not so Far - Federal Attorney Says State has None to Prosecute." *Manhattan Mercury*, Jun 19, 2012.
37. "Showdown in Topeka Signaled Decline of Populist Movement." *Wichita Eagle*, Feb 13, 1993.
38. "Why Rules Matter (Even in Kansas)." *Ottawa Herald*, Aug 30, 2013.
39. "CUSD 101 Clash Continues." *Parsons Sun*, Jun 16, 2005.
40. "Judge Dismisses Election Case in Neosho County." *Parsons Sun*, May 20, 2005.
41. "Candidate Says Voter Law Tricky." *Journal-World (Lawrence, KS)*, Apr 27, 1994.
42. "Concern for Voter Fraud Creates Even More Worries." *Wichita Eagle*, Oct 30, 2010.
43. "More Than 21,000 Kansans' Voter Registrations in Suspense Because of Proof of Citizenship." *Wichita Eagle*, Oct 31, 2014.
44. "Last-Minute Changes to Voter ID Law Rejected." *Wichita Eagle*, May 12, 2011.
45. "House Rejects Bill Requiring Voter Ids." *Wichita Eagle*, Apr 04, 2007.
46. "Kobach to Run for Secretary of State." *Wichita Eagle*, May 27, 2009.

47. "Gov. Brownback to Sign Bills for Secretary of State Prosecutorial Power, Election Changes." *Wichita Eagle*, Jun 05, 2015.
48. "Former Olathe Couple Mistakenly Voted Twice in Midst of Move to Arkansas, Lawyer Says." *Wichita Eagle*, Oct 28, 2015.
49. "Many Kansans ,Äòin Suspense,Äô Over Voter Registration Intend to Submit Proof of Citizenship." *Wichita Eagle*, Aug 11, 2013.
50. "Court: Ariz. Citizenship Proof Law Illegal." *Associated Press State Wire: Kansas*, Jun 17, 2013.
51. "Supreme Court Justices Argue Citizenship Voting Law." *Topeka Capital-Journal*, Mar 18, 2013.
52. "Sides Debate Merits of Voter." *Chanute Tribune*, Mar 21, 2007.
53. "Bill Making it Harder to Register to Vote Stalls." *Wichita Eagle*, Mar 21, 2007.
54. "St. Marys: A Town Divided?" *Topeka Capital-Journal*, Mar 24, 2008.
55. "Voter Fraud Explains a Lot." *Hutchinson News*, Nov 05, 2010.
56. "3 in GOP Secretary of State Primary." *Wichita Eagle*, Jul 11, 2010.
57. "Dead Folks Voting? at Least One's Still Alive." *Wichita Eagle*, Oct 29, 2010.
58. "Main News." *Wichita Eagle*, Jul 24, 2010.
59. "Parkinson Names Biggs as Secretary of State." *Wichita Eagle*, Mar 17, 2010.
60. "House Approves Voter Id Bill, 2012 Primary." *Wichita Eagle*, Mar 28, 2008.
61. "Ballot Forgery Key to Election Objection." *Morning Sun (Pittsburg, KS)*, Aug 15, 2004.
62. "Gutierrez: Reversal Would Not Have Mattered." *Morning Sun (Pittsburg, KS)*, Aug 19, 2004.
63. "Kansas Looks to Beef Up Registration." *Wichita Eagle*, Oct 20, 1990.
64. "Tough Voter ID Rules Pull Kansas into Multiple Lawsuits." *Associated Press State Wire: Kansas*, Oct 04, 2015.
65. "Kobach Says He'll Move Fast on Voter Fraud Issue." *Wichita Eagle*, Nov 05, 2010.

66. "Kansas, Arizona Prevail in Voter Citizenship Suit." *Associated Press State Wire: Kansas*, Mar 20, 2014.
67. "Immigration Stance Boosts Kobach's Bid for State Office." *Hays Daily News*, Aug 04, 2010.
68. "Governor Appoints Interim Secretary of State." *Hutchinson News*, Mar 17, 2010.
69. "Kobach vs. Biggs Heats Up - Ethics Complaint, Doubt about Voter Fraud Emerge." *Hutchinson News*, Oct 29, 2010.
70. "Challengers Tap into Voter Discontent Over Immigration." *Hutchinson News*, Sep 25, 2006.
71. "Thornburgh Called to Washington." *Topeka Capital-Journal*, Oct 04, 2002.
72. "Kris Kobach Files New Round of Voter Fraud Cases in 3 Kansas Counties, Proposes Election Auditing." *Topeka Capital-Journal*, Jan 25, 2016.
73. "Affidavit Gives New Details on Voter Fraud Prosecution by Secretary of State Kris Kobach." *Topeka Capital-Journal*, Oct 26, 2015.
74. "Analysis Dives into Suspended Voter Registration List." *Topeka Capital-Journal*, Jan 25, 2015.
75. "Kris Kobach Charges Three with Voter Fraud." *Topeka Capital-Journal*, Oct 13, 2015.
76. "Kris Kobach: Elections must be Secure." *Topeka Capital-Journal*, Jan 24, 2012.
77. "Kris W. Kobach: Kansas' Voter Law Isn't the Same as Arizona's." *Wichita Eagle*, Jun 29, 2013.
78. "Photo ID System is Fair - Guest Column." *Hutchinson News*, Dec 13, 2012.
79. "Alien Voter Fraud no Fantasy." *Hutchinson News*, Jul 18, 2010.
80. "Voter Fraud is a Reality in Kansas." *Wichita Eagle*, Jun 05, 2009.
81. "U.S. Attorney: U.S. Working Toward More Perfect Nation." *Hutchinson News*, May 02, 2014.
82. "Council Veteran Bill Gale to Lead County Elections." *Wichita Eagle*, Oct 21, 2003.
83. "Republicans Push for Required Voter IDs." *Dodge City Daily Globe*, Jan 15, 2008.

84. "Mah Re-Engages with Kobach on Voter Fraud." *Topeka Capital-Journal*, Feb 12, 2013.
85. "It's Not Broken - Review shows New ID Laws Sideline Longtime Legal Voters." *Hutchinson News*, Jul 09, 2012.
86. "Dead Voter Charge Levelled." *Morning Sun (Pittsburg, KS)*, Oct 30, 2010.
87. "Candidate: Kansas must do More to Ensure Accurate Voter Registration Records." *Dodge City Daily Globe*, Jun 07, 2006.
88. "Kobach Letter: RCPD Finds no Voter Fraud." *Manhattan Mercury*, Jan 06, 2014.
89. "Kobach to Address Committee on Voter ID Changes." *Topeka Capital-Journal*, Jan 16, 2012.
90. "Mah, Kobach Spar Over Voter ID Law." *Topeka Capital-Journal*, Jan 23, 2012.
91. "Kobach Says He is Preparing to Prosecute Election Fraud." *Associated Press State Wire: Kansas*, May 21, 2015.
92. "House Nixes Voter Rules." *Wichita Eagle*, Mar 05, 1992.
93. "Prosecutors Question Kobach Claims of Voter Fraud in Kansas." *Associated Press State Wire: Kansas*, Feb 10, 2015.
94. "ACORN Prompts Kobach to Run." *Salina Journal*, May 29, 2009.
95. "Voter Fraud Claims Prove Elusive." *Salina Journal*, Jun 18, 2009.
96. "Ensley Says She's Ready to be Secretary of State." *Salina Journal*, Feb 16, 2010.
97. "Kansas Year End Round Up." *Wichita Peace and Freedom Party Examiner*.
98. "Johnston May Contest Senate Election in Court -- the Loser in the 25th District Race Says Voters Outside the District Took Part." *Wichita Eagle*, Nov 14, 2000.
99. "Kansas must Send Kris Kobach to Political Oblivion." *Emporia Gazette*, Oct 16, 2014.
100. "'Quite a Few' Non-Kansans Voted in State in 2014?" *Wichita Eagle*, Jun 21, 2015.
101. "Kobach Takes Fear-mongering to Capitol Hill." *Wichita Eagle*, Feb 15, 2015.
102. "Kris Kobach's Plan to Delete More than 30,000 Voter Registration Applications in Kansas Draws Dissent, Praise." *Topeka Capital-Journal*, Sep 02, 2015.

103. "Kansan Alive, Ready to Vote." *Topeka Capital-Journal*, Oct 30, 2010.
104. "Bill Tries to Ensure Mail Ballot Security." *Topeka Capital-Journal*, Apr 01, 2005.
105. "Alleged Voter Fraud Investigated in St. Marys." *Manhattan Mercury*, Apr 25, 2006.
106. "Bill to Combat Voter Fraud in House." *Wichita Eagle*, Mar 11, 2013.
107. "Kobach Seeks to Expand Power to Prosecute Election Crimes." *Wichita Eagle*, Nov 10, 2012.
108. "Kobach Wants to Require Proof of Citizenship Earlier with New Voter ID Law." *Wichita Eagle*.

Kansas Newspapers and News Sources Included in Access World News Database

Publication	Source Type	Publication
Associated Press State Wire: Kansas	Newswire	2011 - Current
Chanute Tribune	Newspaper	1996 - Current
Dodge City Daily Globe	Newspaper	2005 - Current
Emporia Gazette	Newspaper	2002 - Current
Girard City Press	Newspaper	2008 - 2009
Hays Daily News	Newspaper	1995 - Current
Hutchinson News	Newspaper	2001 - Current
Lawrence Journal-World	Newspaper	1989 - 2004
Manhattan Mercury	Newspaper	1997 - Current
Morning Sun	Newspaper	1998 - Current
Newton Kansan	Newspaper	1998 - Current
Olathe News	Newspaper	2006 - 2015
Ottawa Herald	Newspaper	1996 - Current
Parsons Sun	Newspaper	1996 - Current
Salina Journal	Newspaper	1998 - Current
Southwest Times	Newspaper	1999 - 2011
Topeka Capital-Journal	Newspaper	2001 - Current
Topeka Examiner	Web-Only Source	2009 - Current
Wichita Eagle	Newspaper	1984 - Current
Wichita Examiner	Web-Only Source	2009 - Current

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EDUCATION

The Graduate School and University Center of the City University of New York

Ph.D. in Political Science, 2000

Dissertation: “Identity, Voting Rights and the Remapping of Political Representation in New York City”

Honors: Distinction

M.Phil. in Political Science, 1994

Major field: American Politics

Minor field: Public Policy

M.A. in Political Science, 1992

Master’s Thesis: “The Ecology of the Underclass: William Julius Wilson and the Chicago School”

Boston University, College of Liberal Arts

B.A. in History, 1983

Area of Concentration: American Civilization

Honors: Cum Laude

ACADEMIC EXPERIENCE

Associate Professor

Rutgers, The State University of New Jersey – Camden Campus, 2011 to present.

Teach graduate courses in public policy and community development, and undergraduate courses in urban studies.

Assistant Professor

Barnard College, Columbia University, January 2000 to 2011.

Taught undergraduate courses in American politics and urban studies.

Associate Director

The Center for Urban Research and Policy, Columbia University, December 1993 to 2000.

Responsible for the day-to-day management of the Center; wrote grant proposals and helped secure funding from government and private sources for all activities totaling nearly \$2,000,000.

Instructor and Research Associate

Metropolitan Studies Department, New York University, Spring 1991.

Designed and taught a core course for undergraduates on the political and economic development of post-war American cities.

Assistant Program Director

Borough of Manhattan Community College, City University of New York, 1987 to 1990.

Assisted the Director in all administrative aspects of the BMCC Summer Immersion Program, a non-traditional, intensive, remedial education program.

Research Assistant and Data Analyst

CUNY Data Service, The Graduate School, City University of New York, 1987 to 1991.

Programmed and analyzed large data sets from the 1980 STF and PUMS (microdata) Census files, and the New York City

Housing and Vacancy Surveys.

Research Assistant

Department of Political Science, The Graduate School, City University of New York, 1985 to 1987.

Worked on various research projects for Prof. Marilyn Gittell.

OTHER EMPLOYMENT

Research Director

Project Vote, 2010 to 2011.

Developed a research program and conducted research for a non-profit organization that runs voter registration drives, litigates violations of the National Voter Registration Act of 1993, and advocates for the voting rights of minorities, youth and the poor.

Issues Director

The Committee for David N. Dinkins, II, New York City, 1991 to 1993.

Conducted research for Mayor David N. Dinkins' campaign committee on a wide range of public policy issues and problems facing New York City.

Campaign Manager

McCabe for City Council, Brooklyn, New York, 1991.

Organized and administered a successful campaign for the Democratic Party nomination and the New York City Council seat in the 38th Council District.

Union Organizer

District 65/UAW, (AFL-CIO), Northeast Regional Office, Boston, Massachusetts, 1984 to 1985, Summer 1986.

Participated in the planning and implementation of a union organizing campaign; served as editor of a union local's newsletter; assisted negotiating committee in contract negotiations.

ACADEMIC AND PROFESSIONAL HONORS

Distinguished Alumni Award, Department of Political Science, CUNY Graduate School, 2014

Jay Sigler Award for Teaching Excellence, Rutgers-Camden Public Administration Student Association, 2013

Affiliated Faculty, Center for Community Leadership, Rutgers-Camden, 2013 to present

Affiliated Faculty, Center for Urban Research and Education, Rutgers-Camden, 2012 to present

Civic Engagement Faculty Fellow, Rutgers-Camden, 2012

Selected a "Top Work" in Democracy and Elections, The Agenda Project, 2012

2011 *Choice* Magazine "Outstanding Academic Title" for *The Myth of Voter Fraud*

Carnegie Corporation of New York Special Opportunities Fund Award (\$50,000), 2007

Senior Fellow, Dēmos – A Network for Ideas and Action, 2006 to 2014

Member, Working Group on Immigration Challenges, The Century Foundation Homeland Security Project, 2004

Faculty Fellow, Institute for Social and Economic Research and Policy, Columbia University, 2002 to 2011

Member, Working Group on New York's Recovery from 9-11, Russell Sage Foundation, 2002 to 2005

Curriculum Development Award (\$1,500), Barnard Project on Diaspora and Migration, 2000

CUNY Graduate School Dissertation Year Fellowship (\$10,000), 1996-1997

PROFESSIONAL AFFILIATIONS

American Political Science Association

American Sociological Association

European Sociological Association

Planners Network

Social Science History Association

Urban Affairs Association

TEACHING ACTIVITIES

Doctoral Supervision: Chair***Rutgers-Camden***

Jiro Arase-Barham, *in-progress*
 Peggy Jean Craig McCaggery, *in-progress*
 Dan Tarng, *in-progress*
 Rasheda Weaver, *in-progress*
 Curtis Williams, *in-progress*
 Zachary Wood, *in-progress*

Doctoral Supervision: Member of Committee***Rutgers-Camden***

Spencer Clayton, *in-progress*
 Ashley Nickels, *in-progress*
 Wendy Osefeo, *in-progress*
 Jason Rivera, *completed 7/15*

Courses Taught***Rutgers University-Camden (Graduate)***

Alternative Development Strategies for Distressed Cities (PhD)
 Civic Engagement, Nonprofits and Community Development (PhD)
 Foundations of Policy Analysis (MPA and Executive MPA)
 Politics of Community Development (PhD)
 Practicum in Community Development (PhD)
 Research Workshop (MPA)

Rutgers University-Camden (Undergraduate)

Poverty and the Urban Environment

Barnard College, Columbia University (Undergraduate)

American Urban Politics
 Contemporary Urban Problems
 Dynamics of American Politics
 Participation and Democracy
 Senior Research Seminar in American Politics
 Urban Myths and the American City

New York University (Undergraduate)

The Crisis of the Modern American City

Graduate Committee Examiner

Rutgers University, Ph.D. Program in Public Affairs/Community Development, Dissertation Committees (see above)
 Columbia University Ph.D. Program in Political Science, Dissertation Committee, 12/00, 5/03, 5/09.
 Columbia University School of Architecture, Planning and Preservation, Dissertation Proposal Committee, 2/08.
 Columbia University School of Architecture, Planning and Preservation, Dissertation Committee, 4/10.
 CUNY Graduate Center Ph.D. Program in Political Science, Dissertation Committee, 4/05, 5/06, 8/06.
 CUNY Graduate Center Ph.D. Program in Political Science, Oral Doctoral Exam, 12/00.

PEER-REVIEWED PUBLICATIONS***Books***

The Myth of Voter Fraud, Ithaca, New York: Cornell University Press, 2010.

Keeping Down the Black Vote: Race and the Demobilization of American Voters, New York: The New Press, 2009; co-authored with Frances Fox Piven and Margaret Groarke.

Journal Articles

“New Challenges in the Study of Right-wing Propaganda: Priming the Populist Backlash to ‘Hope and Change,’” *New Political Science* 34:4 (2012), 506-526.

“Modeling Problems in the Voter ID-Voter Turnout Debate,” *Election Law Journal* 8:2 (2009), 85-102; co-authored with Robert S. Erikson.

“Models, Assumptions, and Model Checking in Ecological Regressions,” *Journal of the Royal Statistical Society* 164, Part 1 (2001), 101-118; co-authored with Andrew Gelman, David K. Park, Stephen Ansolabehere, and Phillip N. Price.

Chapters in Edited Volumes

“The Voter Fraud Myth,” in Benjamin E. Griffith, ed., *America Votes! Challenges to Election Law and Voting Rights*, Chicago: American Bar Association, *forthcoming* (February 2016).

“Competing Concepts of Social Class: Implications and Applications for Community Development,” in Mae Shaw and Marjorie Mayo, eds., *Class, Inequality and Community Development*, Bristol, UK: Policy Press at the University of Bristol, *in press*; co-authored with Frances Fox Piven.

“Making Policy in the Streets,” in James DeFilippis, ed., *Urban Policy in the Age of Obama*, Minneapolis: University of Minnesota Press, *in press*; co-authored with Frances Fox Piven.

“Poor People’s Politics,” in David Brady and Linda Burton, eds., *Oxford Handbook of the Social Science of Poverty*, New York: Oxford University Press, *in press*; co-authored with Frances Fox Piven.

“Crisis, Convulsion and the Welfare State,” in Kevin Farnsworth and Zoë Irving, eds. *Social Policy in an Age of Austerity*, Policy Press, 2015; co-authored with Frances Fox Piven.

“Voter Identification Laws: The Controversy Over Voter Fraud,” in Matthew J. Streb, ed., *Law and Election Politics: The Rules of the Game*, 2nd Ed., New York: Routledge, 2012.

“Lost in Translation? A Critical Reappraisal of the Concept of Immigrant Political Incorporation,” in Jennifer Hochschild and John H. Mollenkopf, eds., *Bringing Outsiders In: Transatlantic Perspectives on Immigrant Political Incorporation*, Ithaca, New York: Cornell University Press, 2009.

“Environmental Risk and Childhood Disease in an Urban Working Class Caribbean Neighborhood,” in Sherrie L. Baver and Barbara Lynch Deutsch, ed., *Beyond Sun and Sand: Caribbean Environmentalisms*, New Brunswick, NJ: Rutgers University Press, 2006; co-authored with Immanuel Ness.

“Outside the Circle: The Impact of Post-9/11 Responses on the Immigrant Communities of New York City,” in John H. Mollenkopf, ed., *Contentious City: The Politics of Recovery in New York City*, New York: Russell Sage Foundation, 2005.

“Between White and Black: Asian and Latino Political Participation in the 2000 Presidential Election in New York City,” in William E. Nelson, Jr. and Jessica Lavariega Monforti, eds., *Black and Latino/a Politics: Issues in Political Development in the United States*, Miami: Barnhardt and Ash, 2005; co-authored with John Mollenkopf.

“The Changing Arab New York Community,” in Kathleen Benson and Philip M. Kayal, eds., *A Community of Many Worlds: Arab Americans in New York City*, Syracuse: Syracuse University Press, 2002; co-authored with Louis Abdellatif Cristillo.

“Social Capital, Political Participation and the Urban Community,” in Susan Saegert, J. Phillip Thompson, and Mark Warren, eds., *Social Capital and Poor Communities*, New York: Russell Sage Foundation, 2001; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

“Patterns of Neighborhood Change,” in John H. Mollenkopf and Manuel Castells, eds., *Dual City: Restructuring New York*, New York: Russell Sage, 1991; co-authored with Frank F. DeGiovanni.

OTHER PUBLICATIONS

Chapter in Conference Proceedings

“The Political Participation of Immigrants in New York,” in *In Defense of the Alien: Proceedings of the 2000 Annual National Legal Conference on Immigration and Refugee Policy*, Vol. XXIII. New York: Center for Migration Studies, 2001; co-authored with Jennifer Holdaway and Ronald Hayduk.

Encyclopedia Entries

“The Underclass,” in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier; co-authored with Paul J. Jargowsky.

“Welfare,” in *The International Encyclopedia of Social and Behavioral Sciences*, 2nd Ed., Waltham, Mass.: Elsevier; co-authored with Joan Maya Mazelis.

“Voter Participation,” in *The Encyclopedia of Social Work*, 20th ed., New York: Oxford University Press, 2008, online version 2013; co-authored with Frances Fox Piven.

“The Working Families Party,” in Immanuel Ness, ed. *The Encyclopedia of American Third Parties*, Armonk, New York: M.E. Sharpe, Inc., 2000.

Book Reviews

Waiting for the Cemetery Vote, by Tom Glaze, *American Review of Politics*, (Spring/Summer 2012).

Election Fraud: Detecting and Deterring Electoral Manipulation edited by R. Michael Alvarez, Thad Hall and Susan D. Hyde, *Election Law Journal* 8:3 (2009).

Governing From Below: Urban Regions and the Global Economy by Jefferey M. Sellers, Cambridge University Press, 2002, in *Political Science Quarterly* Vol. 118, No. 4 (Winter 2003-2004).

Social Class, Politics, and Urban Markets: The Makings of Bias in Policy Outcomes by Herman L. Boschken, Stanford, CA: Stanford University Press, 2002, in *The International Journal of Urban and Regional Research*, Vol. 27, No. 4 (December 2003).

The Miami Fiscal Crisis: Can A Poor City Regain Prosperity? by Milan J. Dluhy and Howard A. Frank, Westport, Connecticut: Praeger Publishers, 2002, in *Political Science Quarterly* Vol. 117, No. 4 (Winter 2002-2003).

Research Reports, Memoranda and Briefs

The Misleading Myth of Voter Fraud in American Elections, Key Findings Brief, Scholars Strategy Network, February 2014.

Latino New Yorkers in the 2008 Presidential Election: The New Americans Exit Poll, New York Latino Research Network (NYLARNet) at The University of Albany, Fall 2011.

Research Memo: First-time Voters in the 2008 Election, Project Vote, Washington, D.C., April 2011.

An Analysis of Who Voted (And Who Didn't Vote) in the 2010 Election, Project Vote, Washington, D.C., November 2010.

Research Memo: Debunking the Tea Party's Election Night Message, Project Vote, Washington, D.C., October 26, 2010.

What Happened to Hope and Change? A Poll of 2008 Voters, Project Vote, Washington, D.C., September 2010.

Election Day Registration: A Study of Voter Fraud Allegations and Findings on Voter Roll Security, Dēmos – A Network for Ideas and Action, New York, November 2007.

The Politics of Voter Fraud, Project Vote, Washington, D.C., March 2007.

Securing the Vote: An Analysis of Election Fraud, Dēmos – A Network for Ideas and Action, 2003, New York; updated 2007; co-authored with David Callahan.

Journalism

My expertise on elections and voter fraud was sought and widely cited and I was quoted in print and broadcast media during the 2008, 2010 and 2012 election seasons, including, for example, in the following: *The New Yorker Magazine*, *The New Republic*, *Mother Jones*, *The Wall Street Journal*, *In These Times*, *American Prospect*, *Washington Monthly*, *Monthly Review*, *New Left Review*, *The New York Times*, *The Washington Post*, Associated Press, McClatchy, Al Jazeera English (*Fault Lines*, Washington, D.C.), WZBC (*News*, Boston), WBAI (*Democracy Now!*, New York), WNYC (*The Brian Lehrer Show*, New York), WHYY (*Radio Times*, Philadelphia), NPR (*Morning Edition*, Washington, D.C.), CBS News, ABC News Radio, Salon.com, Talking Points Memo, Alternet, The Huffington Post, Slate Magazine, and CQ Researcher, among others.

“The Power of Disruption: An Interview with Frances Fox Piven,” *Global Dialogue: Newsletter for the International Sociological Association* 5(4): December 2015.

“The Myth of Voter Fraud,” BillMoyers.com, March 9, 2015.

“Movements Need Politicians – And Vice Versa,” *The Nation*, October 22, 2012; co-authored with Frances Fox Piven.

“The Other Campaign: Who Gets To Vote,” *New Labor Forum*, May 2012; co-authored with Frances Fox Piven.

“Why We Need ACORN,” *Los Angeles Times*, April 22, 2010; co-authored with Frances Fox Piven.

“Re-Drawing the Map of U.S. Politics,” *Red Pepper*, April, 2008; co-authored with Frances Fox Piven.

“N.C. Rejects Politics of Fear,” *The Charlotte Observer*, Charlotte, North Carolina, July 18, 2007.

“They Are Arriving: Immigrants Are Gaining Power in New York’s Voting Booths,” *New York Daily News*, New York, July 24, 2005.

“Albany’s Making Bad Elections Worse,” *New York Daily News*, New York, August 22, 2004.

UNPUBLISHED PAPERS, PRESENTATIONS AND REPORTS

Works in Progress

“Does Concentration Worsen Poverty? The Case of Philadelphia”

“Voter Purging Under the National Voter Registration Act of 1993”

“When A Mistake is A Mistake: Human Error in Election Administration”

“Felony Disfranchisement and the New Three-Fifths Rule”

“The Voting Rights of the Poor”

Conference Participation, Papers and Invited Presentations

Invited Panelist, “Beyond Neoliberalism: Social Justice after the Welfare State,” Symposium Sponsored by the Center for the Study of Social Difference, Women Creating Change, the Heyman Center for the Humanities, and the History Department at Columbia University, New York City, April 2, 2016.

Invited Panelist, “Voting Fraud, Voter Suppression: Myths and Realities,” League of Women Voters of Connecticut

Education Fund Annual Fall Conference, Darien Library, Darien, Connecticut, October 24, 2015.

Invited Panelist, "Voting Rights at 50," 22nd Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 7, 2015.

Panel Organizer and Chair, "Electoral Rules, Voting and Turnout: New Pathways for Research," panel at the 111th Annual Meeting of the American Political Science Association, San Francisco, September 3-6, 2015.

"Community and Class in a Neoliberal Age," paper presented at the 110th Annual Meeting of the American Sociological Association, Chicago, August 22-25, 2015; co-authored with Frances Fox Piven.

"Black Urban Liberalism: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2010," paper presented at the 45th Annual Meeting of the Urban Affairs Association, Miami, April 8-11, 2015.

Invited Speaker, "Does Concentration Worsen Poverty? The Philadelphia Case," Center for Urban Research and Education, Rutgers University, Camden, December 12, 2014.

Invited Speaker, "The State of Voting Rights," sponsored by the Atlanta Chapter of the Scholars Strategy Network, Atlanta, December 2, 2014.

"The Poverty of Politics in a Northern City: A Case Study of Democratic Inclusion and Economic Exclusion in Philadelphia, 1970-2000," paper presented at the 39th Annual Meeting of the Social Science History Association, Toronto, November 6-9, 2014.

"Crisis, Convulsion and the Welfare State," roundtable presentation at the 109th Annual Meeting of the American Sociological Association, San Francisco, August 16-19, 2014; co-authored with Frances Fox Piven.

"Making Policy in the Streets," paper presented at the 44th Annual Meeting of the Urban Affairs Association, San Antonio, March 20, 2014; co-authored with Frances Fox Piven.

Invited Panelist, "Voter Suppression, Equal Rights, and the Promise of Democracy," sponsored by the Scholars Strategy Network, the Center for American Political Studies, and the Malcolm Wiener Center for Social Policy, Harvard University, March 6, 2014.

"Crisis, Convulsion and the Welfare State," paper presented at the 11th Annual Meeting of the European Sociological Association, Torino, Italy, August 28-31, 2013; co-authored with Frances Fox Piven.

Invited Panelist, "Anatomy of A Public Interest Lawsuit: Voter ID Legislation – A Public Interest Legal Challenge," sponsored by Penn Law Clinical Programs, Lawyering in the Public Interest, Toll Public Interest Center, American Constitution Society and the Civil Rights Law Project, University of Pennsylvania Law School, Philadelphia, Pennsylvania, November 5, 2012.

Invited Panelist, "Disenfranchise This: The Cost of Voter Suppression," 19th Annual First Monday Celebration, Eric R. Neisser Public Interest Program, Rutgers School of Law, Newark, New Jersey, October 3, 2012.

Invited Panelist, "The Voting Rights Act: Where Do We Go From Here?" Rutgers University Law Review Symposium, Trenton, New Jersey, April 13, 2012.

Invited Panelist, "Voting Rights," Civil Rights Law Society, Columbia University Law School, New York City, March 20, 2012.

Invited Panelist, "Race and Public Policy," conference at George Mason University School of Public Policy, Arlington, Virginia, October 10, 2011.

Invited Panelist, "Organizing the Poor for Rights: The Work of Frances Fox Piven," 107th Annual Meeting of the American Political Science Association, Seattle, September 1-4, 2011.

"Is Political Polarization Good or Bad for Democracy?," paper presented at the 69th Annual Meeting of the Midwest Political Science Association, Chicago, March 30-April 2, 2011.

Invited Roundtable Participant, "Voter Disenfranchisement in American Politics," 82nd Annual Meeting of the Southern Political Science Association, New Orleans, January 6-8, 2011.

Invited Panelist, "Voter Participation," New York City Charter Revision Commission, New York City, June 2, 2010.

Discussant, "Immigrant Voters: Asian Americans and the 2008 Election," Immigration Seminar Series, Graduate School and University Center of the City University of New York, May 4, 2009.

"Purging Voters Under the NVRA," paper presented at the 67th Annual Meeting of the Midwest Political Science Association, Chicago, April 2-5, 2009; co-authored with Margaret Groarke.

Invited Panelist, "Democracy in America: The African-American Experience – Then, Now and Future," U.S. Mission to the United Nations, New York, March 17, 2009.

Invited Speaker, "Voter Suppression in the 2008 Presidential Election," Funders Committee for Civic Participation, Washington, D.C., December 9, 2008.

Invited Panelist, "Stealing the Vote in 2008," A Panel Discussion at New York University, October 16, 2008.

Invited Panelist, "Keeping Down the Vote: Vote Suppression and the 2008 Election," Sarah Lawrence College, September 23, 2008.

"Modeling Problems in the Voter ID-Voter Turnout Debate," paper presented at the 8th Annual State Politics and Policy Conference, Temple University, Philadelphia, May 30-31, 2008; co-authored with Robert S. Erikson.

Panelist, "Keeping Down the Black Voter: Race and the Demobilization of American Voters," *Left Forum*, New York, March 16, 2008.

Panel Discussant, "Group Mobilization, Partisanship, Ideas, and Leadership: The Los Angeles and New York Mayoral Elections of 2005," 102nd Annual Meeting of the American Political Science Association, Philadelphia, August 31-September 3, 2006.

"Re-thinking Immigrant Political Incorporation," paper presented at the 36th Annual Meeting of the Urban Affairs Association, Montreal, Canada, April 19-22, 2006.

"Immigrant Politics in an Age of Terror," paper presented at the 101st Annual Meeting of the American Political Science Association, Washington, D.C., September 1-4, 2005.

Panel Discussant, "Immigrants As Local Political Actors," 100th Annual Meeting of the American Political Science Association, Chicago, September 1-4, 2004.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, August 5, 2004.

"The Impact of 9/11 on Immigrant Politics in New York, With a Focus on Arab, Muslim, and South Asian Immigrant Communities," Columbia University Seminar on the City, New York City, March 23, 2004.

Invited Participant, "The Impact of Post-9/11 Immigration and Law Enforcement Policies," The Century Foundation, New York City, February 4, 2004.

Workshop Participant, Multi-race Study Group, *Harvard CAPS Workshop on Methodologies to Study Immigrant Political Incorporation*, Harvard University, Cambridge, October 30-31, 2003.

Invited Lecturer, "Literature of Immigration," New Jersey Council for the Humanities Teacher Institute, Monmouth University, Long Branch, New Jersey, July 10, 2003.

Panelist, "Rebuilding Post-War Iraq: Domestic and International Implications;" Community Forum, Barnard College, New York City, April 21, 2003.

"Political Participation and the Neglected Role of Spatial Form;" paper presented at the 33rd Annual Meeting of the Urban Affairs Association, Cleveland, Ohio, March 27-30, 2003.

Invited Speaker, "Teach-In on Iraq;" Barnard College, New York City, November 8, 2002.

Panelist, "Colloquium on Responding to Violence," in honor of Virginia C. Gildersleeve Lecturer, Jody Williams, Barnard Center for Research on Women, Barnard College, New York City, October 25, 2002.

Panel Moderator, "Who is Brooklyn?" at *The Future of Brooklyn* Conference, Brooklyn College, June 7, 2002.

"Asian and Latino Participation in New York City: The 2000 Presidential Election," paper presented at the 97th Annual Meeting of the American Political Science Association, San Francisco, August 29 – September 2, 2001; co-authored with John H. Mollenkopf.

Organizer and Panelist, *The Changing Face of New York's Electorate: The Immigrant Vote in 2000 and Beyond*, A Panel Discussion and Media Briefing sponsored by the New York Immigration Coalition and Barnard College, New York City, May 2, 2001.

Organizer and Panelist, *The Muslim Communities in New York City Project; A One-Day Conference*, sponsored by the Center for Urban Research and Policy and the Middle East Institute at the School of International and Public Affairs, Columbia University, New York City, April 30, 2001.

Panelist, *Democratizing New York City; Re-imagining City Government*, sponsored by the Center for Humanities, CUNY Graduate Center, New York City, March 27, 2001.

Organizer and Panel Moderator, *Independent Politics in A Global World*, sponsored by the Independent Politics Group, CUNY Graduate Center, New York City, October 6-7, 2000.

"Political Capital and Political Participation," paper presented at the 96th Annual Meeting of the American Political Science Association, Washington, D.C., August 31-September 3, 2000; co-authored with Ester R. Fuchs and Robert Y. Shapiro.

"The Political Participation of Immigrants in New York," at *Immigrant Political Participation in New York City; A One-Day Working Conference*, sponsored by the Center for Urban Research/CUNY and the International Center for Migration, Ethnicity, and Citizenship, New York City, June 16, 2000

"The Muslim Community in New York City Project," with Louis Abdellatif Cristillo; *Muslims in New York: An Educational Program for Religious Leaders in New York City*, seminar on faith traditions in New York; sponsored by the Interfaith Center of New York and the Imans Council of New York, New York City, June 14, 2000.

"The Political Participation of Immigrants in New York," Session VI on *Integration of Immigrants and Their Descendants*, Center for Migration Studies 20th Annual National Legal Conference on Immigration and Refugee Policy, Washington, D.C., March 30-31, 2000.

"The Changing Arab New York Community," with Louis Abdellatif Cristillo; *A Community of Many Worlds: Arab Americans in New York City*, symposium sponsored by the Museum of the City of New York, New York City, February 5-6, 2000.

"The Political Incorporation of Immigrants in New York," paper presented at the 95th Annual Meeting of the American Political Science Association, Atlanta, September 1-4, 1999; co-authored with Jennifer Holdaway and Ronald Hayduk .

"Political Capital and Political Participation," co-authored with Ester R. Fuchs and Robert Y. Shapiro; paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999.

"Racial and Ethnic and Urban/Suburban Differences in Public Opinion and Policy Priorities," paper presented at the 58th Annual Meeting of the Midwest Political Science Association, Chicago, April 15-17, 1999; co-authored with Ester R. Fuchs, Robert Y. Shapiro, and Gustavo Cano.

“The Importance of Full Disclosure of Non-response Due to Refusals and the Nature of Potential Bias in Phone Surveys,” with Robert Y. Shapiro, evening workshop presentation to the New York City chapter of the American Association for Public Opinion Research, New York City, March 9, 1999.

“White, Black and Latino Voter Turnout in the 1993 New York City Mayoral Election: A Comparison of Ecological Regression Techniques and Exit Poll Data,” paper presented at the 94th Annual Meeting of the American Political Science Association, Boston, September 4, 1998; co-authored with David K. Park and Daniel M. Slotwiner.

Panel Discussant, “Race, Rights, and American Politics,” panel at the 27th Annual Meeting of the Northeastern Political Science Association and International Studies Association-Northeast, Newark, New Jersey, November 9-11, 1995.

“Assessing the Quality of Political Reform: Redistricting and the Case of New York City,” paper presented at the Annual Meeting of the New York State Political Science Association, Albany, New York, April 22, 1994.

Research Reports

How to Think About Voter Participation, White Paper, New York City Charter Revision Commission, July 2010.

The Myth of Voter Fraud, White Paper, Dēmos – A Network for Ideas and Action, May 2002.

Evaluation of the New York Immigration Coalition's '200,000 in 2000: New Americans Pledging to Strengthen Democracy and New York' Initiative, Final Report to the New York Foundation, with John H. Mollenkopf, August 2001.

A Study of Attitudes Among Low-Income Parents Toward Environmental Health Risks and Childhood Disease: The Brooklyn College COPC Survey, with Immanuel Ness, June 2001.

Political Participation and Political Representation in New York City; With a Special Focus on Latino New Yorkers, Report of the Columbia University/Hispanic Education and Legal Fund Opinion Research Project, co-authored with Robert Y. Shapiro and Ester R. Fuchs, December 1997.

Expert Witness Participation in Federal and State Court Cases, Amicus Filings, and Congressional Testimony

Expert Witness, *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, 2015.

Expert Witness, *North Carolina State Conference of the NAACP v. McCrory*, U.S. District Court for the Middle District of North Carolina, 2014-2016.

Expert Witness, *Veasey v. Perry*, U.S. District Court for the Southern District of Texas, 2014-2015.

Expert Witness, *Frank v. Walker/LULAC (formerly Jones) et al. v. Deininger*, U.S. District Court for the Eastern District of Wisconsin, 2012-2013.

Expert Witness, *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania, 2012-2013.

Shelby County, Alabama v. Holder; U.S. Supreme Court, Brief of Historians and Social Scientists as *Amici Curiae* in Support of Respondents, February 1, 2013 (signatory).

Expert Report, *Rutgers University Student Assembly et al. v. Middlesex County Board of Elections*, Superior Court of New Jersey/Middlesex County, 2011.

League of Women Voters v. Rokita; Supreme Court of Indiana, Brief of *Amici Curiae* Lonna Rae Atkeson, Matt A. Barreto, Lorraine C. Minnite, Jonathan Nagler, Stephen A. Nuño and Gabriel Ramon Sanchez in Opposition to Defendant’s Petition to Transfer, November 2009.

Expert Witness, *Democratic National Committee, et al. v. Republican National Committee, et al.*, U.S. District Court in the District of New Jersey, 2008-2009.

U.S. Senate Committee on Rules and Administration, *Hearing on In-Person Voter Fraud: Myth and Trigger for Voter Disenfranchisement?*, March 12, 2008 (written testimony).

Expert Witness, U.S. House Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, *Oversight Hearing on Voter Suppression*, February 26th, 2008 (oral and written testimony).

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* The Brennan Center for Justice, Demos: A Network for Ideas and Action, Lorraine C. Minnite, Project Vote, and People for the American Way Foundation *in Support of Petitioners*, November 2007.

William Crawford, et al. v. Marion County Election Board, et al.; Indiana Democratic Party, et al. v. Todd Rokita et al.; U.S. Supreme Court, Brief of *Amici Curiae* of Historians and Other Scholars *in Support of Petitioners*, November 2007 (signatory).

Fact Witness, *ACORN et al. v. Bysiewicz*, U.S. District Court in the District of Connecticut, 2004-2005.

RESEARCH GRANTS

Recipient, Rutgers-Camden Learning Abroad Office, Course Development Grant, 2015 (\$1,000).

Principle Investigator, "The Political Exclusion of the Urban Poor," Rutgers Research Council Award, 2013-2014 (\$3,000).

Recipient, RU FAIR ADVANCE (NSF) Rutgers-Camden Travel Award, March/April 2013 (\$1,590). Funded by the Rutgers University Office for the Promotion of Women in Science, Engineering, and Mathematics (SciWomen) Institutional Transformation grant from the ADVANCE program of the National Science Foundation.

Principal Investigator, "University Collaborative Exit Poll," November 2008 to October 2009 (\$30,000). Funded by Columbia University Institute of Social and Economic Research and Policy, Center for Urban Research at the Graduate School and University Center of the City University of New York, and the New York Latino Research and Resources Network at the University of Albany, State University of New York.

Co-Principal Investigator, "2006 New Americans Exit Poll," November 2006 to October 2007 (\$10,000). Funded by the Graduate School of Arts and Sciences, Columbia University.

Recipient, Special Assistant Professor Leave Travel Grant, September 2003 to September 2005 (\$7,700). Funded by the Provost's Office, Winston Fund, Barnard College.

Recipient, Conference Grant, September 2003 to September 2005 (\$3,000). Funded by the Provost's Office, Forman Fund, Barnard College.

Member, Working Group on New York's Recovery from September 11th, June 2002 to June 2005 (\$30,000). Funded by the Russell Sage Foundation.

Principal Investigator, "2002 New Americans Exit Poll," December 2002 to March 2003 (\$1,800). Funded by the Faculty Research Fund of Barnard College.

Principal Investigator, "Evaluation of the New York Immigration Coalition's '200,000 in 2000' Campaign," July 2000 to July 2001 (\$40,000). Barnard College, Columbia University. Funded by the New York Foundation.

Co-Principal Investigator, "Muslim Communities in New York City," July 1998 to July 2001 (\$350,000). The Center for Urban Research and Policy, Columbia University. Funded by the Ford Foundation.

SERVICE

College and University

Member, Tenure and Third-Year Review Committees, Department of Political Science, Rutgers-Camden, 2015.
Chair, Civic General Education Committee, Subcommittee on Engaged Civic Learning, Rutgers-Camden, 2015 to present.

Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Committee, 2014-present.
 Member, Rutgers-Camden Department of Public Policy & Administration Ph.D. Exam (Theory) Committee, 2013-present.
 Member, General Education Committee, Subcommittee on Engaged Civic Learning, Rutgers-Camden, 2013-2014.
 Marshal, Rutgers-Camden Commencement, 2013, 2014.
 Member, Rutgers-Camden Department of Political Science Search Committee, 2013.
 Member, Rutgers-Camden Department of Public Policy & Administration Search Committee, 2012, 2013.
 Director, Undergraduate Urban Studies Program, Rutgers-Camden, 2011 to present.
 Member, Ford Faculty Seminar on Inequality in New York, Barnard College, 2009-2010.
 Panelist, "Obama and the Immigrant Vote," Barnard Forum on Migration, October 30, 2008.
 Panel Moderator, "Is Democracy Democratic?" at the Thirty-Third Annual *The Scholar and the Feminist Conference*, Barnard College, March 11, 2008.
 Participant, Mellon 23 Assembly, Macalester College, St. Paul, Minnesota, February 15-17, 2008.
 Panelist, "Election Reflections: The Bush Legacy and the Coming Presidential Elections," Barnard College, Oct. 8, 2007.
 Member, *The Scholar and the Feminist Conference* Planning Committee, Barnard Center for Research on Women, 2006.
 Member, Faculty Programs and Governance Committee, 2005-2007 (on leave Spring 2007).
 Member, Faculty Committee, Barnard Leadership Initiative, 2005-2007 (on leave Spring 2007).
 Member, Medalist Committee, Barnard College, 2004-2006, 2007-2009 (on leave Spring 2007).
 Member, Columbia University Seminar in Political and Social Thought, 2004 to 2011.
 Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.
 Panel Moderator, "Governance by the Media: Feminists and the Coming Election," at the Twenty-Ninth Annual *The Scholar and the Feminist Conference*, Barnard College, April 3, 2004.
 Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 to 2011.
 Member, Columbia University Seminar on Globalization, Labor, and Popular Struggles, 2001 to 2011.
 Member, Columbia University Seminar on the City, 2001 to 2011.
 Faculty Mentor, Columbia University Graduate School of Arts and Sciences Summer Research Program, 2001.
 Advisory Board Member, Barnard Center for Research on Women, 2000 to 2011.
 First Year Adviser, Barnard College, 2000 to 2004, 2009 to 2011.
 One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

Professional

I have reviewed numerous journal articles for the *American Political Science Review*, *American Journal of Political Science*, *American Review of Politics*, *British Journal of Industrial Relations*, *Election Law Journal*, *Ethnic and Racial Studies*, *Journal of Ethnic and Migration Studies*, *Law and Society Review*, *New Political Science*, *Perspectives on Politics*, *Political Research Quarterly*, *Political Science Quarterly*, *Public Opinion Quarterly*, *Urban Affairs Review*, and *Working U.S.A.: The Journal of Labor and Society*; and book proposals and manuscripts for Blackwell Publishers, Lexington Books, Routledge, M.E. Sharpe, Inc., New York University Press, and The New Press.

Faculty Panelist, American Bar Association, "The Voter Fraud Myth, Voter ID, Immigration and Voting Rights, and State Legislative Reapportionment," February 18, 2016 (1.5 CLE credits).
 Co-Chair, Scholars Strategy Network, New Jersey Chapter, 2015 to present.
 Seminar Speaker, Carnegie-Knight News21 Initiative Reporting Seminar on Voting Rights, The Walter Cronkite School of Journalism and Mass Communication, Arizona State University, February 2, 2012.
 Member, Best Book Committee, Urban Section, American Political Science Association, 2010-2011, 2012-2013.
 Executive Council Member, Urban Section, American Political Science Association, 2005-2006, 2008-2010.
 Member, Charles A. McCoy Career Achievement Award, New Politics Section, APSA, 2008-2009.
 Member, Best Dissertation Committee, Urban Section, American Political Science Association, 2008-2009.
 Co-chair, Local Host Committee, American Sociological Association Annual Conference, 2006-2007.
 Nominating Committee, Urban Section, American Political Science Association, 2006-2007.
 Chair, Piven and Cloward Award Committee, New Political Science Section, American Political Science Association, 2005-6.
 Member, Best Paper Committee, Urban Section, American Political Science Association, 2005-2006.
 Editorial Board Member, *Working USA: The Journal of Labor and Society*, 2004 to present.
 Grant Reviewer, Research Award Program, The City University of New York, 2003.
 Member, New York Colloquium on American Political Development, 2001 to 2011.

Community

Member, Participatory Budgeting in New York City Research Board, Community Development Project of the Urban Justice Center, 2013 to present.

Invited Speaker, Registrar's of Voters Association of Connecticut, Annual Meeting, Cromwell, CT, April 12, 2012.

Keynote Speaker, Federal Aviation Administration William J. Hughes Technical Center 2012 Black History Month Celebration, Atlantic City, New Jersey, February 15, 2012.

Organizer, "National Teach-in on Debt, Austerity and How People Are Fighting Back," Judson Memorial Church, New York City, April 11, 2011.

Host Committee, New York State Immigrant Action Fund, 2010.

Board Member, The Left Forum, 2009 to 2013.

Member, New York City Comptroller-Elect John Liu Transition Committee Working Group on External Affairs, 2009.

Board Member, Project Vote, 2008-2009.

Speaker, "The Immigrant Voter in New York City," New York Voter Assistance Commission, New York City, May 19, 2005; Citizens Union, New York City, May 18, 2005; New York Immigration Coalition, New York City, February 17, 2005; New York City Central Labor Council, New York City, April 28, 2004.

Speaker, "The Post-9/11 Crackdown on Immigrants," Coney Island Avenue Project, Brooklyn, New York, March 25, 2004.

Volunteer, *New York Immigration Coalition*, Voter Registration at INS Naturalization Ceremonies, 1998 to 2002.

PAID CONSULTANTSHIPS

Perkins Coie, LLP, 2015-2016

Wrote expert reports and testified at trial for plaintiffs in *Ohio Democratic Party v. Husted*, U.S. District Court for the Southern District of Ohio, Eastern Division; wrote expert reports for plaintiffs in *Lee v. Virginia State Board of Elections*, U.S. District Court for the Eastern District in Virginia, Richmond Division; and for plaintiffs in *One Wisconsin v. Wisconsin Government Accountability Board* in the U.S. District of the Western District of Wisconsin.

Kirkland & Ellis, LLP, 2014-2015.

Wrote expert reports and testified for plaintiffs in *North Carolina State Conference of NAACP v. McCrory*, U.S. District Court for the Middle District of Texas.

Dechert, LLP, 2014

Wrote expert report for plaintiffs and testified at trial in *Veasey v. Perry*, U.S. District Court for the Southern District of Texas.

Arnold & Porter LLP, 2012-2013.

Wrote expert reports for plaintiffs (2012, 2013) and testified (2012) at trial in *Applewhite v. Commonwealth of Pennsylvania*, Commonwealth Court of Pennsylvania.

New York City Charter Revision Commission, 2010.

Analyzed the problem of voter participation in New York City and possible solutions for consideration by Commissioners as they prepared ballot referenda to be placed before the voters in 2010.

New York Latino Research and Resources Network at the University of Albany, State University of New York, 2008.

Analyzed survey and other data and wrote report on Latino political participation in New York City and New York State in the 2008 presidential election.

New York Immigration Coalition, New York, New York, 2006.

Provided technical assistance to a three-city exit poll survey project for the 2006 national midterm elections.

Brennan Center for Justice at New York University School of Law, 2004-2005.

Provided expert report on voter fraud and testified as a fact witness in *ACORN, et al. v. Bysiewicz*, Civil Action No. 3:04-CV-1624 (MRK), U.S. District Court for the District of Connecticut.

Howard Samuels State Management and Policy Center, Graduate School and University Center of CUNY, 2002.

Consulted on survey design for a project on the efficacy of community-based organizations.

Dēmos, New York, New York, 2001 to 2002.

Researched and wrote a study of voter fraud in contemporary American politics.

1199 Child Care Fund, New York, New York, 2000 to 2002.

Prepared demographic data for Fund-eligible union members and their children.

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011

February 1, 2012

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2010	BARTON	Person voted in both Kansas and Colorado	Double vote	1	Evidence collected
2002	BOURBON	Ballots returned for advance voters with non-matching signatures.	Perjury, impersonation of a voter	Multiple	Unknown
1998	BOURBON	Mother voted for her son, forged signature	Perjury, forgery	1	Unknown
1998	BOURBON	Nursing home supervisor voted for other persons without their consent	Perjury, forgery	Multiple	Unknown
2006	BUTLER	Person voted twice	Double vote	1	Referred to county attorney
2002	CHEYENNE	Person voted in Kansas and Colorado	Double vote	1	Investigated by FBI, not pursued
2004	CLARK	Electioneering near an advance voting location	Electioneering	1	Convicted of 2 counts of Class B misdemeanors by state of KS
Multiple	DECATUR	Nursing home residents' ballots voted by adult children	Perjury, forgery	Multiple	Unknown
2004	DECATUR	Voters incapable of voting but ballots voted anyway	Perjury, forgery	4	Ballots challenged
Multiple	DECATUR	Ballots voted by wife, nephew, social worker of nursing home residents	Perjury, forgery	Multiple	Ballots challenged
2004	DOUGLAS	Party voter registration drive screened applications and did not deliver some	Voter registration suppression	Multiple	D.A. investigation
Multiple	ELLIS	Multiple ballots challenged each election due to nonmatching signatures	Perjury, impersonation of a voter	6	Ballots challenged
2008	FINNEY	Non US citizen registered and voted	Perjury, voting without being qualified	1	Referred to county attorney
2010	FINNEY	Person voted in both Kansas and Oklahoma	Double vote	1	Referred to county attorney, investigated
2010	FORD	Person voted in both Kansas and Iowa	Double vote	1	Referred to county attorney
2010	HAMILTON	Person voted in both Kansas and Colorado	Double vote	1	Evidence collected
2008	HARVEY	Person double voted three times in both HV and LY in 2006, 2008	Double vote	1	Referred to county attorney, not pursued

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011

February 1, 2012

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
Multiple	JOHNSON	Advance ballots challenged every election due to nonmatching signatures	Perjury, impersonation of a voter	Multiple	Ballots challenged
Multiple	JOHNSON	Multiple examples of questionable ballots	Perjury, impersonation of a voter	Multiple	Ballots challenged
2008	JOHNSON	Person voted in both Kansas and Colorado	Double vote	1	Evidence collected
2010	JOHNSON	Voter registered at MO bar, voted in KS in 2006, 2008, 2010	Perjury, voting without being qualified	1	Referred to D.A.
2010	JOHNSON	Voter received advance ballot for which he did not apply. Another person filed application.	Perjury	1	No action taken
2010	JOHNSON	Persons voted advance in person, then voted at polls on election day	Double vote	3	Referred to D.A.
2008	JOHNSON	Non US citizen registered, voted in 2008	Perjury, voting without being qualified	1	No action taken
2008	JOHNSON	Person registered to vote in JO, WY same day and attempted to vote in both	Double vote	1	Provisional ballot, not counted
2008	JOHNSON	Registration applications received with KS address, MO zip codes	Perjury	20	No action taken
2008	JOHNSON	Person not registered, found another person's address on poll book, used that address to register and vote	Perjury, impersonation of a voter	1	Referred to D.A.
2010	JOHNSON	Persons voted in both Kansas and Arkansas	Double votes	2	Referred to D.A.
2010	JOHNSON	Person voted in both Kansas and Iowa	Double vote	1	Referred to D.A.
2012	JOHNSON	Person voted twice in mail ballot election	Double vote	1	Referred to D.A.
2004	KANSAS CITY	Persons voted in Missouri and Kansas	Double vote	3	Prosecuted by US Attorney, pled guilty to misdemeanor, convicted by federal government
2008	LYON	Non US citizen registered to vote	Perjury	1	Referred to county attorney, not pursued
2010	MARSHALL	Person voted in both Kansas and Nebraska	Double vote	1	Referred to county attorney, under investigation

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011

February 1, 2012

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2008	MONTGOMERY	Persons voted in KS and AZ	Double votes	2	Convicted by federal government of Title 18 U.S.C. 242, Deprivation of Rights Under Color of Law
2004	NEMAHA	Person voted in both Nemaha and Shawnee counties	Double vote	1	Convicted of misdemeanor by state of KS
2010	OSAGE	Person under felony sentence registered to vote	Perjury	1	Referred to law enforcement, no charges
2002	OSAGE	Nursing home assistance when voter not aware	Perjury, forgery	1	No action taken
2006	POTTAWATOMIE	Multiple advance ballots mailed to apartments where voters did not live, ballots were voted	Perjury, forgery	7	Referred to law enforcement, not pursued
2006	POTTAWATOMIE	Advance ballot voted by voter who no longer resided in KS, but in France	Perjury, forgery	1	Referred to law enforcement, not pursued
2010	RILEY	Persons voted in both Kansas and Colorado	Double vote	2	
Multiple	SEDGWICK	Ballot applications signed by parent, spouse or relative	Perjury	Multiple	Provisional ballots not counted
2006	SEDGWICK	Parent voted for college student by power of attorney	Perjury, impersonation of a voter	1	Provisional ballot not counted
2006	SEDGWICK	Candidates and poll watchers intimidated voters by asking voters who they were and who they voted for	Voter intimidation	Multiple	No action taken
2010	SEDGWICK	Non U.S. citizen registered, voted in 2000, 2002, 2004, 2006, 2008	Perjury, voting without being qualified	1	Dept. of Homeland Security contacted county election office. Not pursued.
2009	SEDGWICK	Non US citizens registered; 1 voted	Perjury, voting without being qualified	8	Referred to D.A.
2009	SEDGWICK	Non-matching signature on an advance ballot envelope	Perjury, forgery	1	Provisional ballot not counted
2006	SEDGWICK	Intimidation of poll workers	Disorderly election conduct	Multiple	Referred to law enforcement
2006	SEDGWICK	Candidate paid \$50-\$75 to deliver 20 votes each	Election bribery	Multiple	No action taken

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011

February 1, 2012

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2006	SEDGWICK	Electioneering by a candidate at a polling place	Electioneering	1	Referred to D.A.
2010	SEDGWICK	Person voted in both Kansas and Louisiana	Double vote	1	Referred to D.A.
2011	SEWARD	Non U.S. citizen registered to vote	Perjury	1	Registration canceled
1997	SEWARD	Employer bused employees, including alleged non-citizens, to register to vote at election office	Perjury	Multiple	No action taken
2005	SHAWNEE	Advance ballots picked up and delivered to a campaign P.O. Box and never delivered to election office	Advance voting suppression	Multiple	No action taken
2005	SHAWNEE	Campaign workers picked up voted ballots, did not deliver to election office	Advance voting suppression	4	Referred to law enforcement, not pursued
2005	SHAWNEE	Tyler Towers, Jackson Towers, Polk Plaza voted ballots picked up but not delivered	Advance voting suppression	Multiple	No action taken
2005	SHAWNEE	Ballots taken to dark room and flashlight used to see how they were voted	Advance voting suppression	Multiple	No action taken
2005	SHAWNEE	Voters had their voted ballots taken from mail box	Advance voting suppression	Multiple	No action taken
2008	SHAWNEE	Person voted in both Kansas and Kentucky	Double vote	1	KS US attorney plans to prosecute
2005	SHAWNEE	Person voted in both city and county on consolidation question	Double vote	1	Investigated but not prosecuted
2002	SHERMAN	Person voted in both Kansas and Colorado	Double vote	1	Investigated by FBI, not pursued
2010	SHERMAN	Person voted in both Kansas and Colorado	Double vote	1	Evidence collected
Multiple	WYANDOTTE	Nurse's aides voted ballots for residents without their consent	Perjury, forgery	Multiple	Provisional ballots not counted
Multiple	WYANDOTTE	Spouse voting for spouse	Perjury, impersonation of a voter	Multiple	Provisional ballots not counted
2010	WYANDOTTE	Felons voted. Provisional ballots were not counted	Voting without being qualified	17	Referred to D.A., under investigation
2010	WYANDOTTE	Persons not registered. Signed affidavits claiming residency in Wyandotte	Perjury	4	Referred to D.A., under investigation

OFFICE OF THE KANSAS SECRETARY OF STATE
KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011
February 1, 2012

YEAR	JURISDICTION	DESCRIPTION OF VIOLATION	CRIMES ALLEGED	NUMBER OF CASES	ACTIONS TAKEN
2010	WYANDOTTE	Persons attempted to vote more than once	Double vote	4	Referred to D.A., under investigation
2008	WYANDOTTE	Non US citizens registered; 1 voted	Perjury, voting without being qualified	3	Referred to D.A.
2008	WYANDOTTE	Advance ballot applications signed by campaign worker, not voter	Perjury	25	No charges filed
2004	WYANDOTTE	Advance ballot application filed without voter's knowledge	Perjury	1	No action taken
2002	WYANDOTTE	Fraudulent advance ballot applications	Perjury	50	Referred to D.A.
			TOTAL REPORTS	235+	

Appendix D

KRIS W. KOBACH
Secretary of State



RECEIVED
U.S. ELECTION ASSISTANCE
COMMISSION
2015 NOV 18 PM 3:02
Memorial Hall, 1st Floor
120 S.W. 10th Avenue
Topeka, KS 66612-1594
(785) 296-4564

STATE OF KANSAS

November 17, 2015

Brian Newby
Executive Director
U.S. Election Assistance Commission
1335 East West Highway, Suite 4300
Silver Spring, MD 20910

Dear Mr. Newby,

On October 2, 2015, Kansas Administrative Regulation (“KAR”) 7-23-15 was updated to require county election officers to designate a voter registration application as incomplete if it lacks information required by law, including satisfactory evidence of United States Citizenship, and to maintain a list of incomplete applications for voter registration. KAR 7-23-15(a). A voter may complete the voter registration application by providing the absent information within 90 days after the application was received by the county election office. KAR 7-23-15(b). If an applicant does not complete his voter registration application within the 90 day period, the applicant must then submit a new, completed application to register to vote. KAR 7-23-15(c).

We have reviewed the instructions for the State of Kansas in the National Mail Voter Registration Form and we request the following revisions.

We request the insertion of an additional bullet point after the third bullet point in the “Signature” section of the Kansas state-specific instructions: “have provided a document, or copy thereof, demonstrating United States citizenship within 90 days of filing the application with the secretary of state or applicable county election officer.”

We also suggest inserting an additional bullet point after the final bullet point under the “Signature” section: “Acceptable documents demonstrating United States citizenship as required by K.S.A. § 25-2309(l) include the following:

- (1) A driver’s license or non-driver state identification card indicating on its face that the holder has provided satisfactory proof of United States citizenship;
- (2) A birth certificate indicating birth in the United States;
- (3) Pertinent pages of a valid or expired United States passport identifying the applicant and the applicant’s passport number;
- (4) A naturalization document indicating United States citizenship;
- (5) A document issued by the federal government pursuant to the Immigration and Naturalization Act of 1952, and amendments thereto, indicating United States citizenship;

- (6) A Bureau of Indian Affairs card number, tribal treaty card number, or tribal enrollment number;
- (7) A consular report of birth abroad of a citizen of the United States;
- (8) A certificate of citizenship issued by the U.S. Citizenship and Immigration Services;
- (9) A certificate of report of birth issued by the U.S. Department of State;
- (10) An American Indian card with KIC classification issued by the U.S. Department of Homeland Security;
- (11) A final adoption decree showing the applicant's name and United States birthplace;
- (12) An official U.S. military record of service showing the applicant's United States birthplace;
- (13) An extract from a U.S. hospital record of birth created at the time of the applicant's birth indicating the applicant's United States birthplace.

If one does not possess any of the listed documents, the person may alternatively prove his or her citizenship through the process described in KSA § 25-2309(m).”

Additionally, our office is providing the attached spreadsheet which identifies eighteen noncitizens who registered or attempted to register in Sedgwick County, Kansas—just one of Kansas's 105 counties. Prior to the January 1, 2013, effective date of the Kansas requirement that a voter registration applicant provide proof of citizenship to register, at least seven noncitizens successfully registered to vote in Sedgwick County—one of which voted in four different Kansas elections. Sedgwick County officials learned of most of these noncitizen registrants many years after they registered because Sedgwick County officials attend naturalization ceremonies to register new citizens to vote.

Fortunately, the Kansas proof-of-citizenship requirement has succeeded in enabling Sedgwick County to prevent similar registrations. After the proof of citizenship law went into effect on January 1, 2013, at least eleven noncitizens were prevented from becoming registered voters. These eleven applicants attempted to register but failed to provide proof of citizenship. At least one attempted to register using the National Mail Voter Registration Form. When Sedgwick County officials contacted these eleven applicants, it was learned that they were not United States citizens. Thus, the proof-of-citizenship requirement of Kansas's state voter registration form has proven effective in preventing noncitizens from registering to vote. As they are currently worded, the Kansas-specific instructions on the National Mail Voter Registration Form include no such requirement; consequently, noncitizens can use that form to unlawfully register to vote in federal elections.

The attached spreadsheet demonstrates that a proof-of-citizenship instruction on the Kansas State Specific Instructions of the National Voter Registration Form is necessary to enable Kansas county election officers to assess the eligibility of an applicant, because a mere oath will not suffice to effectuate Kansas's citizenship requirement. The State of Kansas has attempted to use other mechanisms to prevent noncitizens from voting, such as attempting to identify noncitizens on the voter rolls and determining if the voter rolls include the names of individuals who decline jury duty because they are noncitizens. These alternative mechanisms are fraught with problems and have been wholly ineffective in ensuring that noncitizens do not become registered to vote in

Kansas. Accordingly, we request the revisions to the Kansas-specific instructions on the National Mail Voter Registration Form detailed above.

Sincerely,

A handwritten signature in blue ink that reads "Bryan A. Caskey". The signature is fluid and cursive, with a large, sweeping loop at the end of the last name.

Bryan Caskey
Election Director
Kansas Secretary of State's Office

**SEDGWICK COUNTY, KANSAS, ALIENS WHO REGISTERED PRIOR TO 1/1/2013 OR
WERE SUCCESSFULLY PREVENTED FROM REGISTERING AFTER 1/1/2013**

Appendix D

Date original registration application submitted	Reg ID	Source of Registration	Current Citizenship Status	Date of Naturalization	Voted	Note
ALIENS WHO SUCCESSFULLY REGISTERED						
4/16/2003	4296515	DMV paper address change	Citizen	2/27/2015	No	Was registered for nearly 12 years prior to being a citizen. Was sent ballot for 4 elections but never voted.
10/12/2004	1447321	By Mail - Paper	Non Citizen	NA	Yes	Voted 4 times, GN2004, CG2005, SP2007, GN2008. Voter called Sedgwick County Election office because while applying to become a citizen of the United States she realized she had voted and was registered to vote here in Sedgwick County. She was requesting her voting history (she has voted 4 times) and a voter ID card along with a cancellation form. Her statement was that she "was a permanent resident of the U.S. and did not know she wasn't allowed to vote until after 2008 when one of her friends told her she couldn't, she then stopped voting."
10/07/2006	5053234	Voter Registration Drive	Citizen	9/11/2015	No	Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
10/15/2006	5055911	Voter Registration Drive - Paper	Citizen	1/16/2015	No	Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
10/19/2006	5063593	Mandated Public assistance - Paper	Citizen	3/28/2014	No	Was registered for over 7 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
8/30/2010	5401038	Motor Vehicle Offices - Electronic	Citizen	7/17/2015	No	Was registered for almost 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
6/5/2010	5381681	Motor Vehicle Office	Citizen	10/2/2015	No	Was registered for over 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
ALIENS WHO ATTEMPTED TO REGISTER						
2/13/2013	5613774	DMV Online - Electronic	Non Citizen	NA	No	Sedgwick County Election Office contacted applicant via phone on 06/27/2013. He admitted that he was not a citizen.
8/20/2013	5637865	Motor Vehicle Offices - Electronic	Citizen	9/27/2013	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.
1/24/2014	5657157	Motor Vehicle	Non Citizen	NA	No	Applicant returned Proof of Citizenship notice with note saying

**SEDGWICK COUNTY, KANSAS, ALIENS WHO REGISTERED PRIOR TO 1/1/2013 OR
WERE SUCCESSFULLY PREVENTED FROM REGISTERING AFTER 1/1/2013**

Appendix D

		Offices - Electronic				that the applicant was not a citizen.
2/20/2014	5660352	Federal Form	Non Citizen	NA	No	Applicant attempted to register even though she was a noncitizen. Applicant signed affirmation of United States citizenship but failed to check boxes on the form. Sedgwick County Election Office called the applicant, and the applicant stated that she was not a United States citizen.
2/21/2014	5660218	Motor Vehicle Offices - Electronic	Non Citizen	NA	No	Applicant called Sedgwick County Election office to report that he is not a citizen. 04/21/2014.
3/4/2014	5662650	Motor Vehicle Offices - Electronic	Citizen	9/14/2014	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
4/23/2014	5668920	Motor Vehicle Offices - Electronic	Non Citizen	NA	No	Applicant's niece called Sedgwick County Election office to report applicant is not a citizen, Sedgwick County Election office mailed a cancelation form, but hasn't received it back. Due to the notification not being from the applicant, this file was left pending as "incomplete."
8/6/2014	5685971	Motor Vehicle Offices - Electronic	Citizen	1/16/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.
4/14/2015	5733764	Mandated Public Assistance Agency	Citizen	9/18/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election office discovered this when registering new citizens at naturalization ceremony.
6/12/2015	5735793	Motor Vehicle Offices - Electronic	Citizen	11/13/2015	No	Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.
9/23/2015	5642186	Motor Vehicle Office- Electronic	Non Citizen	NA	No	Applicant came into the Sedgwick County Election Office on 10/2/2015 to provide proof of citizenship. Applicant provided a "Residential Alien" card. Sedgwick County Election Office asked if applicant was a U.S. Citizen. Applicant said No.