EXHIBIT 9
I. SUMMARY OF OPINIONS

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.


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

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journals, including expert reports prepared for other plaintiffs in litigation.\textsuperscript{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;


- Additional materials, as cited in the footnotes.

\textsuperscript{5} A complete list of my peer-reviewed publications is set forth in my \textit{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, and prohibitions against race, gender and age discrimination were incorporated into the U.S. Constitution. 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. Very limited voter registration requirements were placed upon eligible voters at this time. The earliest of registration laws put the obligation on the government to enroll qualified voters and allowed voters to register on Election Day.

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. 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

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deemed incapable of assimilation by many Americans. In reaction, rising xenophobia led states to enact new registration requirements and literacy tests\(^\text{12}\) 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.\(^\text{13}\)

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.\(^\text{14}\) In some places, corrupt politicians used the police to “colonize” closely contested elections with fraudulently registered voters.\(^\text{15}\) 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.\(^\text{16}\) 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.\(^\text{17}\) More recently, in Kansas, the same time-

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\(^\text{14}\) 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.”)


\(^\text{17}\) 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. Prior to the widespread adoption of the secret ballot in the late 1880s, party agents arguably used “inflationary” corruption by buying votes and recycling voters. 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.


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,” \textit{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. \textit{See, generally}, Minnite, \textit{The Myth of Voter Fraud}; \textit{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. \textit{See} Lionel E. Fredman, \textit{The Australian Ballot: The Story of an American Reform} (East Lansing: Michigan State University Press, 1968).

B. Defining “Voter Fraud”

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. Nevertheless, the process of formulating precise definitions is critical in the social sciences because it allows accurate measurement of empirical phenomena. 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

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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).

exceptions (i.e., laws concerning age, felon disfranchisement 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.

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,

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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).

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\(^{26}\) “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”). 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. 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. 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. 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

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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. 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.  

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:

<table>
<thead>
<tr>
<th>Criminal charge</th>
<th>FY2005</th>
</tr>
</thead>
<tbody>
<tr>
<td>Election fraud violations</td>
<td>60</td>
</tr>
<tr>
<td>Other fraud violations</td>
<td></td>
</tr>
<tr>
<td>Citizenship fraud</td>
<td>776</td>
</tr>
<tr>
<td>Social Security fraud</td>
<td>1,980</td>
</tr>
<tr>
<td>False claims and statements</td>
<td>6,658</td>
</tr>
<tr>
<td>Counterfeiting</td>
<td>3,161</td>
</tr>
<tr>
<td>Postal, Internet, and wire fraud</td>
<td>6,929</td>
</tr>
<tr>
<td>Tax evasion</td>
<td>781</td>
</tr>
</tbody>
</table>

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

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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. 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. What the judge did not find was voter fraud. 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.” 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, 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.


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.\footnote{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.\footnote{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 60\textsuperscript{th} vote needed to overcome filibusters in order to pass health-care reform and other Obama administration priorities in the 11\textsuperscript{th} Congress.”\footnote{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.\footnote{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,” \textit{Los Angeles Times}, Orange County Edition, July 26, 1997, B1.}


\footnote{For a full account of this case, see Minnite, \textit{The Myth of Voter Fraud}, 49-56.}}}

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\footnote{For a full account of this case, see Minnite, \textit{The Myth of Voter Fraud}, 49-56.}


\footnote{Heritage Foundation, “A Sampling of Election Fraud Cases from across the Country” (n.d); \textit{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. 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.

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. In particular, the future Secretary zeroed in on

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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.” 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 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.” 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.

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. 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.

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.’

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.”

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.’

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.

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,”


55 Ibid.

56 Ibid.

57 Ibid.
he said. 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.”

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. 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).

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.

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.” 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.

\[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. 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.” 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.

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

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64 Dion Lefler, “Officials Say Only Two Cases of Voter Fraud in Sedgwick County,” Wichita Eagle, March 1, 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.\textsuperscript{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.\textsuperscript{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.\textsuperscript{69}

\textsuperscript{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.

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

\textsuperscript{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

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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

were, in fact, still non-citizens when they registered (and in some cases, voted).\textsuperscript{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 \textit{Boulder Daily Camera} reported that Garnett found that all seventeen were easily able to confirm their status as citizens.\textsuperscript{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.\textsuperscript{77}

\textit{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 40\textsuperscript{th} 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.\textsuperscript{78}

\textit{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,


\textsuperscript{77} \textit{Ibid}.

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

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84 See note 70.

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.”

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.”

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. 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.


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/-/46qebz/-
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.” 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.” 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.


U.S. House of Representatives, Hearing on ‘The President’s Executive Actions, Testimony of Kris W. Kobach, 1.
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.” And indeed, the Sedgwick County Elections Office confirmed that at least seventeen non-citizens had attempted to register in the county and were denied. 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. 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.

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.”

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93 Ibid.


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.\footnote{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.} 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.\footnote{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”).}

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...”

\footnote{http://www.eac.gov/assets/1/Documents/Newby%20Ltr%202011-19-2015.pdf. For ease of reference, the letter and spreadsheet are included in this report as Appendix D.}
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.” 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

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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 your 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. 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.

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.” SAVE refers to a database maintained by the U.S. Department of Homeland Security’s Citizenship and Immigration Service (USCIS). The Handbook continues, “The DLFS [Driver Licensing Field Services] will retain images or copies of any document presented.” 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.”


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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.”


104 Ibid.


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.\footnote{Kansas Election Standards, Revised July 7, 2014, I-4.}

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.\footnote{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.} 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
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.

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. 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.


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.


68. “Governor Appoints Interim Secretary of State.” Hutchinson News, Mar 17, 2010.


Appendix A
# Kansas Newspapers and News Sources Included in Access World News Database

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<td>Newswire</td>
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<td>Chanute Tribune</td>
<td>Newspaper</td>
<td>1996 - Current</td>
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<tr>
<td>Dodge City Daily Globe</td>
<td>Newspaper</td>
<td>2005 - Current</td>
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<td>Emporia Gazette</td>
<td>Newspaper</td>
<td>2002 - Current</td>
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<td>Newspaper</td>
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<td>Newspaper</td>
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<td>Newspaper</td>
<td>1989 - 2004</td>
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<td>Manhattan Mercury</td>
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<td>Morning Sun</td>
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<td>Ottawa Herald</td>
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<td>Wichita Examiner</td>
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</tr>
</tbody>
</table>
LORRAINE CAROL MINNITE
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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

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
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
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
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
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 Wonk” 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
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

Journal Articles


Chapters in Edited Volumes


“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.


“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.


OTHER PUBLICATIONS

Chapter in Conference Proceedings


Encyclopedia Entries


Book Reviews

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


Research Reports, Memoranda and Briefs


Journalism


“Movements Need Politicians – And Vice Versa,” The Nation, October 22, 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.


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

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.


“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.


“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.


“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.


"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.


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.


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.


Research Reports


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


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.


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).


**RESEARCH GRANTS**

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


*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.


**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.
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.
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, Columbia University Seminar in Political and Social Thought, 2004 to 2011.
Faculty Mentor, Francene Rodgers Scholarship Program, Barnard College, Summer 2004.
Member, Ph.D. Subcommittee in Urban Planning, Columbia University School of Architecture, Planning and Preservation, 2003 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.
One-Year Replacement Member, Committee on Programs and Academic Standing, Barnard College, 2000-2001.

**Professional**


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.
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.
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**

Appendix B
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.


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


Board Member, The Left Forum, 2009 to 2013.


Board Member, Project Vote, 2008-2009.


PAID CONSULTANTSHIPS

Perkins Coie, LLP, 2015-2016

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


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.

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


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.

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

13
Prepared demographic data for Fund-eligible union members and their children.
<table>
<thead>
<tr>
<th>YEAR</th>
<th>JURISDICTION</th>
<th>DESCRIPTION OF VIOLATION</th>
<th>CRIMES ALLEGED</th>
<th>NUMBER OF CASES</th>
<th>ACTIONS TAKEN</th>
</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>BARTON</td>
<td>Person voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Evidence collected</td>
</tr>
<tr>
<td>2002</td>
<td>BOURBON</td>
<td>Ballots returned for advance voters with non-matching signatures.</td>
<td>Perjury, Impersonation of a voter</td>
<td>Multiple</td>
<td>Unknown</td>
</tr>
<tr>
<td>1998</td>
<td>BOURBON</td>
<td>Mother voted for her son, forged signature</td>
<td>Perjury, forgery</td>
<td>1</td>
<td>Unknown</td>
</tr>
<tr>
<td>1998</td>
<td>BOURBON</td>
<td>Nursing home supervisor voted for other persons without their consent</td>
<td>Perjury, forgery</td>
<td>Multiple</td>
<td>Unknown</td>
</tr>
<tr>
<td>2006</td>
<td>BUTLER</td>
<td>Person voted twice</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to county attorney</td>
</tr>
<tr>
<td>2002</td>
<td>CHEYENNE</td>
<td>Person voted in Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Investigated by FBI, not pursued</td>
</tr>
<tr>
<td>2004</td>
<td>CLARK</td>
<td>Electioneering near an advance voting location</td>
<td>Electioneering</td>
<td>1</td>
<td>Convicted of 2 counts of Class B misdemeanors by state of KS</td>
</tr>
<tr>
<td>Multiple</td>
<td>DECATUR</td>
<td>Nursing home residents' ballots voted by adult children</td>
<td>Perjury, forgery</td>
<td>Multiple</td>
<td>Unknown</td>
</tr>
<tr>
<td>2004</td>
<td>DECATUR</td>
<td>Voters Incapable of voting but ballots voted anyway</td>
<td>Perjury, forgery</td>
<td>4</td>
<td>Ballots challenged</td>
</tr>
<tr>
<td>Multiple</td>
<td>DECATUR</td>
<td>Ballots voted by wife, nephew, social worker of nursing home residents</td>
<td>Perjury, forgery</td>
<td>Multiple</td>
<td>Ballots challenged</td>
</tr>
<tr>
<td>2004</td>
<td>DOUGLAS</td>
<td>Party voter registration drive screened applications and did not deliver some</td>
<td>Voter registration suppression</td>
<td>Multiple</td>
<td>D.A. investigation</td>
</tr>
<tr>
<td>Multiple</td>
<td>ELLIS</td>
<td>Multiple ballots challenged each election due to nonmatching signatures</td>
<td>Perjury, impersonation of a voter</td>
<td>6</td>
<td>Ballots challenged</td>
</tr>
<tr>
<td>2008</td>
<td>FINNEY</td>
<td>Non US citizen registered and voted</td>
<td>Perjury, voting without being qualified</td>
<td>1</td>
<td>Referred to county attorney</td>
</tr>
<tr>
<td>2010</td>
<td>FINNEY</td>
<td>Person voted in both Kansas and Oklahoma</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to county attorney, investigated</td>
</tr>
<tr>
<td>2010</td>
<td>FORD</td>
<td>Person voted in both Kansas and Iowa</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to county attorney</td>
</tr>
<tr>
<td>2010</td>
<td>HAMILTON</td>
<td>Person voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Evidence collected</td>
</tr>
<tr>
<td>2008</td>
<td>HARVEY</td>
<td>Person double voted three times in both HV and LY in 2006, 2008</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to county attorney, not pursued</td>
</tr>
<tr>
<td>YEAR</td>
<td>JURISDICTION</td>
<td>DESCRIPTION OF VIOLATION</td>
<td>CRIMES ALLEGED</td>
<td>NUMBER OF CASES</td>
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<tr>
<td>------</td>
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<td>-----------------------------------------------------------------------------------------</td>
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<td>---------------------------------------------</td>
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<tr>
<td></td>
<td>Multiple JOHNSON</td>
<td>Advance ballots challenged every election due to nonmatching signatures</td>
<td>Perjury, impersonation of a voter</td>
<td>Multiple</td>
<td>Ballots challenged</td>
</tr>
<tr>
<td></td>
<td>Multiple JOHNSON</td>
<td>Multiple examples of questionable ballots</td>
<td>Perjury, impersonation of a voter</td>
<td>Multiple</td>
<td>Ballots challenged</td>
</tr>
<tr>
<td>2008</td>
<td>JOHNSON</td>
<td>Person voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Evidence collected</td>
</tr>
<tr>
<td>2010</td>
<td>JOHNSON</td>
<td>Voter registered at MO bar, voted in KS in 2006, 2008, 2010</td>
<td>Perjury, voting without being qualified</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2010</td>
<td>JOHNSON</td>
<td>Voter received advance ballot for which he did not apply. Another person filed application.</td>
<td>Perjury</td>
<td>1</td>
<td>No action taken</td>
</tr>
<tr>
<td>2010</td>
<td>JOHNSON</td>
<td>Persons voted advance in person, then voted at polls on election day</td>
<td>Double vote</td>
<td>3</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2008</td>
<td>JOHNSON</td>
<td>Non US citizen registered, voted in 2008</td>
<td>Perjury, voting without being qualified</td>
<td>1</td>
<td>No action taken</td>
</tr>
<tr>
<td>2008</td>
<td>JOHNSON</td>
<td>Person registered to vote in JO, WY same day and attempted to vote in both</td>
<td>Double vote</td>
<td>1</td>
<td>Provisional ballot, not counted</td>
</tr>
<tr>
<td>2008</td>
<td>JOHNSON</td>
<td>Registration applications received with KS address, MO zip codes</td>
<td>Perjury</td>
<td>20</td>
<td>No action taken</td>
</tr>
<tr>
<td>2008</td>
<td>JOHNSON</td>
<td>Person not registered, found another person's address on poll book, used that address to register and vote</td>
<td>Perjury, impersonation of a voter</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2010</td>
<td>JOHNSON</td>
<td>Persons voted in both Kansas and Arkansas</td>
<td>Double votes</td>
<td>2</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2010</td>
<td>JOHNSON</td>
<td>Person voted in both Kansas and Iowa</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2012</td>
<td>JOHNSON</td>
<td>Person voted twice in mail ballot election</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2004</td>
<td>KANSAS CITY</td>
<td>Persons voted in Missouri and Kansas</td>
<td>Double vote</td>
<td>3</td>
<td>Prosecuted by US Attorney, pleaded guilty to misdemeanor, convicted by federal government</td>
</tr>
<tr>
<td>2008</td>
<td>LYON</td>
<td>Non US citizen registered to vote</td>
<td>Perjury</td>
<td>1</td>
<td>Referred to county attorney, not pursued</td>
</tr>
<tr>
<td>2010</td>
<td>MARSHALL</td>
<td>Person voted in both Kansas and Nebraska</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to county attorney, under investigation</td>
</tr>
<tr>
<td>YEAR</td>
<td>JURISDICTION</td>
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<td>----------------------------------------------------------------------------------------</td>
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<td>-----------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>2008</td>
<td>MONTGOMERY</td>
<td>Persons voted in KS and AZ</td>
<td>Double votes</td>
<td>2</td>
<td>Convicted by federal government of Title 18 U.S.C. 242, Deprivation of Rights Under Color of Law</td>
</tr>
<tr>
<td>2004</td>
<td>NEMAH</td>
<td>Person voted in both Nemaha and Shawnee counties</td>
<td>Double vote</td>
<td>1</td>
<td>Convicted of misdemeanor by state of KS</td>
</tr>
<tr>
<td>2010</td>
<td>OSAGE</td>
<td>Person under felony sentence registered to vote</td>
<td>Perjury</td>
<td>1</td>
<td>Referred to law enforcement, no charges</td>
</tr>
<tr>
<td>2002</td>
<td>OSAGE</td>
<td>Nursing home assistance when voter not aware</td>
<td>Perjury, forgery</td>
<td>1</td>
<td>No action taken</td>
</tr>
<tr>
<td>2006</td>
<td>POTAWATOMIE</td>
<td>Multiple advance ballots mailed to apartments where voters did not live, ballots were</td>
<td>Perjury, forgery</td>
<td>7</td>
<td>Referred to law enforcement, not pursued</td>
</tr>
<tr>
<td>2006</td>
<td>POTAWATOMIE</td>
<td>Advance ballot voted by voter who no longer resided in KS, but in France</td>
<td>Perjury, forgery</td>
<td>1</td>
<td>Referred to law enforcement, not pursued</td>
</tr>
<tr>
<td>2010</td>
<td>RILEY</td>
<td>Persons voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>2</td>
<td>Provisional ballots not counted</td>
</tr>
<tr>
<td>Multiple</td>
<td>SEDGWICK</td>
<td>Ballot applications signed by parent, spouse or relative</td>
<td>Perjury</td>
<td>Multiple</td>
<td>Provisional ballot not counted</td>
</tr>
<tr>
<td>2006</td>
<td>SEDGWICK</td>
<td>Parent voted for college student by power of attorney</td>
<td>Perjury, impersonation of a voter</td>
<td>1</td>
<td>Provisional ballot not counted</td>
</tr>
<tr>
<td>2006</td>
<td>SEDGWICK</td>
<td>Candidates and poll watchers intimidated voters by asking voters who they were and</td>
<td>Voter intimidation</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2009</td>
<td>SEDGWICK</td>
<td>Non US citizens registered; 1 voted</td>
<td>Perjury, voting without being qualified</td>
<td>8</td>
<td>Provisional ballot not counted</td>
</tr>
<tr>
<td>2009</td>
<td>SEDGWICK</td>
<td>Non-matching signature on an advance ballot envelope</td>
<td>Perjury, forgery</td>
<td>1</td>
<td>Referred to law enforcement</td>
</tr>
<tr>
<td>2006</td>
<td>SEDGWICK</td>
<td>Intimidation of poll workers</td>
<td>Disorderly election conduct</td>
<td>Multiple</td>
<td>Referred to law enforcement</td>
</tr>
<tr>
<td>2006</td>
<td>SEDGWICK</td>
<td>Candidate paid $50-$75 to deliver 20 votes each</td>
<td>Election bribery</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
</tbody>
</table>
Appendix C

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

<table>
<thead>
<tr>
<th>YEAR</th>
<th>JURISDICTION</th>
<th>DESCRIPTION OF VIOLATION</th>
<th>CRIMES ALLEGED</th>
<th>NUMBER OF CASES</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2006</td>
<td>SEDGWICK</td>
<td>Electioneering by a candidate at a polling place</td>
<td>Electioneering</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2010</td>
<td>SEDGWICK</td>
<td>Person voted in both Kansas and Louisiana</td>
<td>Double vote</td>
<td>1</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2011</td>
<td>SEWARD</td>
<td>Non U.S. citizen registered to vote</td>
<td>Perjury</td>
<td>1</td>
<td>Registration canceled</td>
</tr>
<tr>
<td>1997</td>
<td>SEWARD</td>
<td>Employer bused employees, including alleged non-citizens, to register to vote at election office</td>
<td>Perjury</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Advance ballots picked up and delivered to a campaign P.O. Box and never delivered to election office</td>
<td>Advance voting suppression</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Campaign workers picked up voted ballots, did not deliver to election office</td>
<td>Advance voting suppression</td>
<td>4</td>
<td>Referred to law enforcement, not pursued</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Tyler Towers, Jackson Towers, Polk Plaza voted ballots picked up but not delivered</td>
<td>Advance voting suppression</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Ballots taken to dark room and flashlight used to see how they were voted</td>
<td>Advance voting suppression</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Voters had their voted ballots taken from mailbox</td>
<td>Advance voting suppression</td>
<td>Multiple</td>
<td>No action taken</td>
</tr>
<tr>
<td>2008</td>
<td>SHAWNEE</td>
<td>Person voted in both Kansas and Kentucky</td>
<td>Double vote</td>
<td>1</td>
<td>KS US attorney plans to prosecute</td>
</tr>
<tr>
<td>2005</td>
<td>SHAWNEE</td>
<td>Person voted in both city and county on consolidation question</td>
<td>Double vote</td>
<td>1</td>
<td>Investigated but not prosecuted</td>
</tr>
<tr>
<td>2002</td>
<td>SHERMAN</td>
<td>Person voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Investigated by FBI, not pursued</td>
</tr>
<tr>
<td>2010</td>
<td>SHERMAN</td>
<td>Person voted in both Kansas and Colorado</td>
<td>Double vote</td>
<td>1</td>
<td>Evidence collected</td>
</tr>
<tr>
<td>Multiple</td>
<td>WYANDOTTE</td>
<td>Nurse's aides voted ballots for residents without their consent</td>
<td>Perjury, forgery</td>
<td>Multiple</td>
<td>Provisional ballots not counted</td>
</tr>
<tr>
<td>Multiple</td>
<td>WYANDOTTE</td>
<td>Spouse voting for spouse</td>
<td>Perjury, impersonation of a voter</td>
<td>Multiple</td>
<td>Provisional ballots not counted</td>
</tr>
<tr>
<td>2010</td>
<td>WYANDOTTE</td>
<td>Felons voted. Provisional ballots were not counted</td>
<td>Voting without being qualified</td>
<td>17</td>
<td>Referred to D.A., under investigation</td>
</tr>
<tr>
<td>2010</td>
<td>WYANDOTTE</td>
<td>Persons not registered. Signed affidavits claiming residency in Wyandotte</td>
<td>Perjury</td>
<td>4</td>
<td>Referred to D.A., under investigation</td>
</tr>
</tbody>
</table>
### OFFICE OF THE KANSAS SECRETARY OF STATE
### KNOWN REPORTED INCIDENTS OF ELECTION CRIMES, 1997 - 2011
### February 1, 2012

<table>
<thead>
<tr>
<th>YEAR</th>
<th>JURISDICTION</th>
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</tr>
</thead>
<tbody>
<tr>
<td>2010</td>
<td>WYANDOTTE</td>
<td>Persons attempted to vote more than once</td>
<td>Double vote</td>
<td>4</td>
<td>Referred to D.A., under investigation</td>
</tr>
<tr>
<td>2008</td>
<td>WYANDOTTE</td>
<td>Non US citizens registered; 1 voted</td>
<td>Perjury, voting without being qualified</td>
<td>3</td>
<td>Referred to D.A.</td>
</tr>
<tr>
<td>2008</td>
<td>WYANDOTTE</td>
<td>Advance ballot applications signed by campaign worker, not voter</td>
<td>Perjury</td>
<td>25</td>
<td>No charges filed</td>
</tr>
<tr>
<td>2004</td>
<td>WYANDOTTE</td>
<td>Advance ballot application filed without voter's knowledge</td>
<td>Perjury</td>
<td>1</td>
<td>No action taken</td>
</tr>
<tr>
<td>2002</td>
<td>WYANDOTTE</td>
<td>Fraudulent advance ballot applications</td>
<td>Perjury</td>
<td>50</td>
<td>Referred to D.A.</td>
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</table>

<table>
<thead>
<tr>
<th></th>
<th>TOTAL REPORTS</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>235+</td>
</tr>
</tbody>
</table>
Kris W. Kobach  
Secretary of State

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,

Bryan Caskey
Election Director
Kansas Secretary of State’s Office
### Aliens Who Successfully Registered

<table>
<thead>
<tr>
<th>Date Original Registration Application Submitted</th>
<th>Reg ID</th>
<th>Source of Registration</th>
<th>Current Citizenship Status</th>
<th>Date of Naturalization</th>
<th>Voted</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>4/16/2003</td>
<td>4296515</td>
<td>DMV paper address change</td>
<td>Citizen</td>
<td>2/27/2015</td>
<td>Yes</td>
<td>Was registered for nearly 12 years prior to being a citizen. Was sent ballot for 4 elections but never voted.</td>
</tr>
<tr>
<td>10/12/2004</td>
<td>1447321</td>
<td>By Mail - Paper</td>
<td>Non Citizen</td>
<td>NA</td>
<td>Yes</td>
<td>Voted 4 times, GN2004, CG2005, SP2007, KN2008. 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 &quot;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.&quot;</td>
</tr>
<tr>
<td>10/07/2006</td>
<td>5053234</td>
<td>Voter Registration Drive</td>
<td>Citizen</td>
<td>9/11/2015</td>
<td>No</td>
<td>Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>10/15/2006</td>
<td>5055911</td>
<td>Voter Registration Drive - Paper</td>
<td>Citizen</td>
<td>1/16/2015</td>
<td>No</td>
<td>Was registered for over 8 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>10/19/2006</td>
<td>5063593</td>
<td>Mandated Public assistance - Paper</td>
<td>Citizen</td>
<td>3/28/2014</td>
<td>No</td>
<td>Was registered for over 7 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>8/30/2010</td>
<td>5401038</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Citizen</td>
<td>7/17/2015</td>
<td>No</td>
<td>Was registered for almost 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>6/5/2010</td>
<td>5381681</td>
<td>Motor Vehicle Office</td>
<td>Citizen</td>
<td>10/2/2015</td>
<td>No</td>
<td>Was registered for over 5 years before becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
</tbody>
</table>

### Aliens Who Attempted to Register

<table>
<thead>
<tr>
<th>Date Original Registration Application Submitted</th>
<th>Reg ID</th>
<th>Source of Registration</th>
<th>Current Citizenship Status</th>
<th>Date of Naturalization</th>
<th>Voted</th>
<th>Note</th>
</tr>
</thead>
<tbody>
<tr>
<td>2/13/2013</td>
<td>5613774</td>
<td>DMV Online - Electronic</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td>Sedgwick County Election Office contacted applicant via phone on 06/27/2013. He admitted that he was not a citizen.</td>
</tr>
<tr>
<td>8/20/2013</td>
<td>5637865</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Citizen</td>
<td>9/27/2013</td>
<td>No</td>
<td>Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.</td>
</tr>
<tr>
<td>1/24/2014</td>
<td>5657157</td>
<td>Motor Vehicle</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td>Applicant returned Proof of Citizenship notice with note saying</td>
</tr>
<tr>
<td>Date</td>
<td>ID Number</td>
<td>Office Type</td>
<td>Citizenship</td>
<td>Date</td>
<td>Result</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>------------</td>
<td>---------------------------</td>
<td>-------------</td>
<td>----------</td>
<td>--------</td>
<td></td>
</tr>
<tr>
<td>2/20/2014</td>
<td>5660352</td>
<td>Federal Form</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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.</td>
</tr>
<tr>
<td>2/21/2014</td>
<td>5660218</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Applicant called Sedgwick County Election office to report that he is not a citizen. 04/21/2014.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>4/23/2014</td>
<td>5668920</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>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.”</td>
</tr>
<tr>
<td>8/6/2014</td>
<td>5685971</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Citizen</td>
<td>1/16/2015</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizen at naturalization ceremony.</td>
</tr>
<tr>
<td>4/14/2015</td>
<td>5733764</td>
<td>Mandated Public Assistance Agency</td>
<td>Citizen</td>
<td>9/18/2015</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>6/12/2015</td>
<td>5735793</td>
<td>Motor Vehicle Offices - Electronic</td>
<td>Citizen</td>
<td>11/13/2015</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Applicant attempted to register prior to becoming a citizen. Sedgwick County Election Office discovered this fact when registering new citizens at naturalization ceremony.</td>
</tr>
<tr>
<td>9/23/2015</td>
<td>5642186</td>
<td>Motor Vehicle Office - Electronic</td>
<td>Non Citizen</td>
<td>NA</td>
<td>No</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
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<td></td>
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<td></td>
<td>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.</td>
</tr>
</tbody>
</table>