

# **DCI Voter Fraud** **Investigations Report**



**Iowa Secretary of State Matt Schultz**

**May 8, 2014**

## **Executive Summary**

### **Background:**

In March of 2012, the Iowa Secretary of State's office compared Iowa's voter registration records with the driver's license records of individuals that identified themselves as non-citizens with the Iowa Department of Transportation. After comparing those records, the Iowa Secretary of State's office found that more than 3,000 individuals registered to vote that had previously identified themselves as non-citizens. More than 1,000 of these individuals had also cast a ballot. The Iowa Secretary of State's office was not given timely access to the federal Systematic Alien Verification for Entitlements (SAVE) database, and therefore was unable to determine if any of these individuals had become citizens before they registered to vote or cast a ballot.

On June 21, 2012, the Iowa Secretary of State's office entered into an agreement with the Iowa Department of Public Safety's Division of Criminal Investigation (DCI) to review potential election misconduct crimes and improve the administration of federal elections. Over the last two years, DCI agents have reviewed thousands of instances of possible election misconduct. DCI's review included cases referred by the Iowa Secretary of State's office as well as by other state and local government agencies.

### **DCI Process:**

DCI worked with the United States Department of Homeland Security's Immigration and Customs Enforcement (ICE) to review the citizenship status of the potential non-citizen registrants. After its review, DCI opened 147 investigations into potential non-citizens who cast a ballot.<sup>1</sup> They also reviewed, but did not fully investigate, 74 potential non-citizens who registered to vote but did not cast a ballot.

DCI investigated other election misconduct cases including alleged ineligible felons who either registered to vote or registered to vote and cast a ballot. DCI opened 68 cases in which alleged felons voted or registered to vote.<sup>2</sup> DCI also opened 23 cases of other potential election misconduct.<sup>3</sup>

Of the 238 total investigations, DCI found evidence of election misconduct in 117 cases that cancelled out the votes of legitimate Iowa voters. Another 17 cases are still currently being investigated.

### **Referrals:**

The Secretary of State's office has requested DCI either investigate or refer to local law enforcement the 74 cases that were reviewed, but not fully investigated concerning potential non-citizens that registered to vote but did not cast a ballot.

The Secretary of State's office will also forward 100 cases of possible double voting to local law enforcement for review and investigation as deemed necessary.<sup>4</sup> These cases were found by the Interstate

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<sup>1</sup> See Exhibit 1

<sup>2</sup> See Exhibit 2

<sup>3</sup> See Exhibit 3

<sup>4</sup> See Exhibit 5

Voter Registration Crosscheck Program – also known as the Kansas Project. The Kansas Project checks a state’s voter registration information against a database containing information for 101 million voters in the 28 participating states. The 100 possible double voting cases include individuals with the exact same first name, last name, date of birth, and last four digits of their social security number that cast a ballot in Iowa and another state.

Additionally, the Iowa Secretary of State’s office also received information from county auditors indicating that there are 682 unresolved irregularities regarding voters that used Election Day Registration (EDR) procedures on November 6, 2012, who did not receive or did not respond to the voter registration follow up notice sent from the county auditor’s office.<sup>5</sup> These cases were forwarded to county attorneys by the county auditors in accordance with Iowa law.<sup>6</sup>

### **Conclusion:**

DCI found evidence that 117 illegal votes have been cast and 17 cases are still currently being investigated out of only 238 investigations. County attorneys have the discretion over whether to prosecute these cases. Even if the county attorneys choose not to prosecute, the initiative demonstrates that illegal voters are participating in Iowa’s elections. Any registered voter in a county, including the county attorney, can file a challenge to remove an illegal voter from the voting rolls.

DCI’s review and investigations have clearly improved the administration of elections by:

- Finding illegal voters on the voter registration lists to protect legitimate Iowa voters from having their votes cancelled out by the illegal voters.
- Holding illegal voters accountable for violating the law.<sup>7</sup>
- Uncovering inaccuracies in the state’s felon file that now permit those individuals to have their rights restored to ensure the future voting rights for these individuals.
- Showing the need for the legislature to require non-citizens to update their driver’s license with the DOT upon becoming citizens to ensure accurate records.

It is important to both make sure illegal voters are not voting and to make sure every eligible voter is able to vote. The Iowa Secretary of State’s office will continue to do both.

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<sup>5</sup> See Exhibit 4

<sup>6</sup> <http://coolice.legis.iowa.gov/Cool-ICE/default.asp?category=billinfo&service=IowaCode&input=48A.26A>

<sup>7</sup> See Exhibit 6 for a list of individuals that have been charged by county attorneys.

**Exhibit 1. Non-Citizen Investigations (147 total)**

After reviewing citizenship information with ICE, DCI found that of the 147 total non-citizens investigated, 77 were actionable cases<sup>8</sup> and found that 70 individuals were citizens.

## 1A. County attorney charged:

| <b>County</b> | <b>Number of charges</b> |
|---------------|--------------------------|
| Carroll       | 1                        |
| Cerro Gordo   | 1                        |
| Muscatine     | 2                        |
| Page          | 2                        |
| Pottawattamie | 4                        |
| Total         | 10                       |

## 1B. Cases referred by DCI to county attorneys for prosecution where no charges were filed:

| <b>County</b> | <b>Number of charges</b> |
|---------------|--------------------------|
| Black Hawk    | 3                        |
| Dallas        | 1                        |
| Dubuque       | 1                        |
| Floyd         | 1                        |
| Hancock       | 1                        |
| Johnson       | 1                        |
| Linn          | 7                        |
| Louisa        | 1                        |
| Madison       | 1                        |
| Marshall      | 7                        |
| O'Brien       | 1                        |
| Polk          | 18                       |
| Poweshiek     | 3                        |
| Scott         | 6                        |
| Story         | 1                        |
| Wapello       | 1                        |
| Warren        | 2                        |
| Total         | 56                       |

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<sup>8</sup> Actionable case includes those referred to county attorneys and those DCI is still currently investigating.

## 1C. Cases awaiting county attorney decision regarding charges:

| <b>County</b> | <b>Number of charges</b> |
|---------------|--------------------------|
| Buena Vista   | 1                        |
| Crawford      | 1                        |
| Franklin      | 1                        |
| Polk          | 1                        |
| Union         | 1                        |
| Total         | 5                        |

## 1D. Cases still under investigation by DCI:

|       |   |
|-------|---|
| Total | 6 |
|-------|---|

**Exhibit 2. Felon Investigations (68 total)**

68 felons were investigated for criminal prosecution. 16 individuals were charged by county attorneys, 37 have not yet been charged by county attorneys, and four cases are still being investigated by DCI.

The remaining 11 individuals cast provisional ballots as they were thought to be felons at the time of voting. Eight of these individuals had their provisional ballots counted and three of the ballots were rejected. After learning that three ballots were incorrectly rejected, the Secretary of State's office directed DCI to review all provisional ballots that were rejected for reason of felony conviction cast in the previous two years. As a result of that subsequent review, an additional nine individuals were determined that their rights should be restored. Due to DCI's work, the Secretary of State's office has restored the voting rights of all 20 of these individuals.

## 2A. County attorney charged:

| <b>County</b> | <b>Number of charges</b> |
|---------------|--------------------------|
| Black Hawk    | 8                        |
| Dallas        | 1                        |
| Jefferson     | 1                        |
| Lee           | 1                        |
| Marshall      | 1                        |
| Polk          | 1                        |
| Warren        | 1                        |
| Washington    | 1                        |
| Wright        | 1                        |
| Total         | 16                       |

## 2B. Cases referred by DCI to county attorneys for prosecution where no charges were filed:

| <b>County</b> | <b>Number of cases</b> |
|---------------|------------------------|
| Black Hawk    | 14                     |
| Cerro Gordo   | 5                      |
| Clayton       | 1                      |
| Dubuque       | 3                      |
| Floyd         | 5                      |
| Grundy        | 1                      |
| Hancock       | 1                      |
| Howard        | 2                      |
| Marion        | 1                      |
| Marshall      | 1                      |
| Sioux         | 1                      |
| Wapello       | 2                      |
| Total         | 37                     |

## 2C. Cases still under investigation by DCI:

|       |   |
|-------|---|
| Total | 4 |
|-------|---|

**Exhibit 3. Other Election Misconduct Investigations (23 total)**

3A. County attorney charged:

| <b>County</b> | <b>Number of charges</b> |
|---------------|--------------------------|
| Delaware      | 1                        |
| Total         | 1                        |

3B. Cases referred by DCI to county attorneys for prosecution where no charges were filed:

| <b>County</b> | <b>Number of cases</b> |
|---------------|------------------------|
| Calhoun       | 1                      |
| Cerro Gordo   | 2                      |
| Dallas        | 1                      |
| Fayette       | 1                      |
| Floyd         | 1                      |
| Linn/Cedar    | 1                      |
| Polk          | 3                      |
| Pottawattamie | 2                      |
| Scott         | 1                      |
| Washington    | 1                      |
| Total         | 14                     |

3C. Awaiting county attorney decision regarding charges:

| <b>County</b> | <b>Number of cases</b> |
|---------------|------------------------|
| Louisa        | 1                      |
| Total         | 1                      |

3D. Cases still under investigation by DCI:

|       |   |
|-------|---|
| Total | 7 |
|-------|---|

**Exhibit 4. Election Day Registration**

Election day registration cases in which the voter's address could not be confirmed in accordance with state law:

| <b>County</b> | <b>Total Cases</b> | <b>Resolved</b> | <b>Unresolved</b> |
|---------------|--------------------|-----------------|-------------------|
| Adair         | 0                  | 0               | 0                 |
| Adams         | 0                  | 0               | 0                 |
| Allamakee     | 0                  | 0               | 0                 |
| Appanoose     | 0                  | 0               | 0                 |
| Audubon       | 0                  | 0               | 0                 |
| Benton        | 0                  | 0               | 0                 |
| Black Hawk    | 69                 | 16              | 53                |
| Boone         | 10                 | 6               | 4                 |
| Bremer        | 0                  | 0               | 0                 |
| Buchanan      | 0                  | 0               | 0                 |
| Buena Vista   | 0                  | 0               | 0                 |
| Butler        | 0                  | 0               | 0                 |
| Calhoun       | 0                  | 0               | 0                 |
| Carroll       | 0                  | 0               | 0                 |
| Cass          | 0                  | 0               | 0                 |
| Cedar         | 0                  | 0               | 0                 |
| Cerro Gordo   | 18                 | 0               | 18                |
| Cherokee      | 0                  | 0               | 0                 |
| Chickasaw     | 0                  | 0               | 0                 |
| Clarke        | 0                  | 0               | 0                 |
| Clay          | 8                  | 0               | 8                 |
| Clayton       | 0                  | 0               | 0                 |
| Clinton       | 10                 | 10              | 0                 |
| Crawford      | 4                  | 0               | 4                 |
| Dallas        | 1                  | 0               | 1                 |
| Decatur       | 0                  | 0               | 0                 |
| Delaware      | 0                  | 0               | 0                 |
| Delaware      | 1                  | 0               | 1                 |
| Des Moines    | 8                  | 2               | 6                 |
| Dickinson     | 0                  | 0               | 0                 |
| Dubuque       | 27                 | 0               | 27                |
| Emmet         | 0                  | 0               | 0                 |
| Fayette       | 9                  | 0               | 9                 |
| Floyd         | 0                  | 0               | 0                 |
| Franklin      | 0                  | 0               | 0                 |
| Fremont       | 5                  | 5               | 0                 |
| Greene        | 0                  | 0               | 0                 |
| Grundy        | 0                  | 0               | 0                 |
| Guthrie       | 2                  | 0               | 2                 |
| Hamilton      | 0                  | 0               | 0                 |
| Hancock       | 2                  | 1               | 1                 |
| Hardin        | 2                  | 0               | 2                 |



|               |     |    |     |
|---------------|-----|----|-----|
| Harrison      | 0   | 0  | 0   |
| Henry         | 0   | 0  | 0   |
| Howard        | 0   | 0  | 0   |
| Humboldt      | 7   | 0  | 7   |
| Ida           | 0   | 0  | 0   |
| Iowa          | 12  | 0  | 12  |
| Jackson       | 0   | 0  | 0   |
| Jasper        | 0   | 0  | 0   |
| Jefferson     | 2   | 2  | 0   |
| Johnson       | 148 | 0  | 148 |
| Jones         | 3   | 1  | 2   |
| Keokuk        | 0   | 0  | 0   |
| Kossuth       | 0   | 0  | 0   |
| Lee           | 13  | 0  | 13  |
| Linn          | 96  | 24 | 72  |
| Louisa        | 0   | 0  | 0   |
| Lucas         | 0   | 0  | 0   |
| Lyon          | 0   | 0  | 0   |
| Madison       | 7   | 0  | 7   |
| Mahaska       | 0   | 0  | 0   |
| Marion        | 0   | 0  | 0   |
| Marshall      | 19  | 0  | 19  |
| Mills         | 0   | 0  | 0   |
| Mitchell      | 0   | 0  | 0   |
| Monona        | 0   | 0  | 0   |
| Monroe        | 0   | 0  | 0   |
| Montgomery    | 0   | 0  | 0   |
| Muscatine     | 0   | 0  | 0   |
| O'Brien       | 0   | 0  | 0   |
| Osceola       | 0   | 0  | 0   |
| Page          | 0   | 0  | 0   |
| Palo Alto     | 0   | 0  | 0   |
| Plymouth      | 0   | 0  | 0   |
| Pocahontas    | 1   | 0  | 1   |
| Polk          | 0   | 0  | 0   |
| Pottawattamie | 48  | 3  | 45  |
| Poweshiek     | 0   | 0  | 0   |
| Ringgold      | 0   | 0  | 0   |
| Sac           | 0   | 0  | 0   |
| Scott         | 8   | 1  | 7   |
| Shelby        | 3   | 0  | 3   |
| Sioux         | 0   | 0  | 0   |
| Story         | 106 | 18 | 88  |
| Tama          | 0   | 0  | 0   |
| Taylor        | 0   | 0  | 0   |
| Union         | 0   | 0  | 0   |
| Van Buren     | 0   | 0  | 0   |

|              |            |           |            |
|--------------|------------|-----------|------------|
| Wapello      | 8          | 1         | 7          |
| Warren       | 0          | 0         | 0          |
| Washington   | 9          | 0         | 9          |
| Wayne        | 3          | 0         | 3          |
| Webster      | 7          | 0         | 7          |
| Winnebago    | 3          | 0         | 3          |
| Winneshiek   | 0          | 0         | 0          |
| Woodbury     | 53         | 0         | 53         |
| Worth        | 0          | 0         | 0          |
| Wright       | 0          | 0         | 0          |
| <b>Total</b> | <b>773</b> | <b>91</b> | <b>682</b> |

**Exhibit 5. Possible Double Voting Found by the Kansas Project**

The Kansas Project checks a state's voter registration information against a database containing information for 101 million voters in the 28 participating states. The 100 possible double voting cases include individuals with the exact same first name, last name, date of birth, and last four digits of their social security number that cast a ballot in Iowa and another state.

| <b>County</b> | <b>Number of cases</b> | <b>Other state that the individual possibly voted in</b>  |
|---------------|------------------------|---|
| Audubon       | 1                      | South Carolina  |
| Benton        | 1                      | Arizona   |
| Black Hawk    | 5                      | Arizona, Colorado (3), Ohio   |
| Bremer        | 1                      | Colorado  |
| Calhoun       | 1                      | Colorado  |
| Cass          | 2                      | Arizona, Washington   |
| Cedar         | 1                      | Arizona   |
| Clarke        | 1                      | Arizona   |
| Clay          | 1                      | Colorado  |
| Clinton       | 2                      | Indiana, Ohio   |
| Crawford      | 1                      | Arizona   |
| Dallas        | 5                      | Arizona, Arkansas, Colorado (2), Ohio   |
| Decatur       | 1                      | Pennsylvania  |
| Des Moines    | 2                      | Ohio  |
| Dickinson     | 1                      | Colorado  |
| Franklin      | 1                      | Arizona   |
| Grundy        | 1                      | Nevada  |
| Hardin        | 1                      | Colorado  |
| Harrison      | 1                      | Colorado  |
| Humboldt      | 1                      | Oklahoma  |
| Jackson       | 1                      | Arizona   |
| Jasper        | 1                      | Arizona   |
| Johnson       | 12                     | Arizona, Colorado (4), Illinois (4), Ohio, Pennsylvania, Washington   |
| Linn          | 14                     | Arizona (2), Colorado (6), Illinois (2), Kansas, Ohio, Oklahoma, South Carolina   |
| Marshall      | 1                      | Arizona   |
| Montgomery    | 1                      | Colorado  |
| Muscatine     | 2                      | Colorado (2)  |
| Polk          | 21                     | Arizona (2), Colorado (9), Illinois, Kansas, North Carolina, Ohio (5), Oklahoma, Washington   |
| Pottawattamie | 1                      | Ohio  |
| Poweshiek     | 1                      | Ohio  |
| Scott         | 7                      | Arizona (3), Colorado, Illinois, Ohio, Pennsylvania   |
| Story         | 3                      | Colorado (2), Georgia   |
| Warren        | 1                      | Illinois  |
| Webster       | 1                      | Colorado  |
| Woodbury      | 2                      | Colorado, Washington  |
| <b>Total</b>  | <b>100</b>             | <b>Arizona (19), Arkansas, Colorado (38), Georgia, Illinois (9), Indiana, Kansas (2), Nevada, North Carolina, Ohio (15), Oklahoma (3), Pennsylvania (3), South Carolina (2), Washington (4)</b> |

**Exhibit 6. Information regarding individuals charged by county attorneys**

|    | <b>Name</b>                   | <b>County</b> | <b>Non-Citizen/<br/>Felon/Other</b> | <b>Result</b>        |
|----|-------------------------------|---------------|-------------------------------------|----------------------|
| 1  | Anthony Greer                 | Black Hawk    | Felon                               | Guilty               |
| 2  | Michelle Bruno                | Black Hawk    | Felon                               | In court process     |
| 3  | Ricco Cooper                  | Black Hawk    | Felon                               | In court process     |
| 4  | Philip Thomas                 | Black Hawk    | Felon                               | In court process     |
| 5  | Harold Redd Jr.               | Black Hawk    | Felon                               | In court process     |
| 6  | Glen Tank                     | Black Hawk    | Felon                               | In court process     |
| 7  | Rosa Wilder                   | Black Hawk    | Felon                               | In court process     |
| 8  | Robert Anthony                | Black Hawk    | Felon                               | In court process     |
| 9  | Maria Isabel Flores Lopez     | Carroll       | Non-citizen                         | Dismissed            |
| 10 | Jesus Castorena               | Cerro Gordo   | Non-citizen                         | In court process     |
| 11 | Tehvedin Murgic               | Dallas        | Non-citizen and felon               | Guilty               |
| 12 | Beth Ann Gallagher            | Delaware      | Other                               | Guilty               |
| 13 | Cheri Rupe                    | Jefferson     | Felon                               | In court process     |
| 14 | Kelli Jo Griffin              | Lee           | Felon                               | Not guilty           |
| 15 | Nickie Dean Perkins           | Marshall      | Felon                               | Guilty               |
| 16 | Sylvia Rada                   | Muscatine     | Non-citizen                         | In court process     |
| 17 | Mayra Alejandra Lopez Morales | Muscatine     | Non-citizen                         | In court process     |
| 18 | Laurie McCarroll              | Page          | Non-citizen                         | In court process     |
| 19 | Leonard Blower                | Page          | Non-citizen                         | In court process     |
| 20 | Terry Hambrick                | Polk          | Felon                               | Guilty               |
| 21 | Margarita Abrego              | Pottawattamie | Non-citizen                         | In court process     |
| 22 | Linda Harte-Maxwell           | Pottawattamie | Non-citizen                         | Dismissed            |
| 23 | Albert Harte-Maxwell          | Pottawattamie | Non-citizen                         | Dismissed            |
| 24 | Maria Ayon Fernandez          | Pottawattamie | Non-citizen                         | Dismissed            |
| 25 | Jason Rawlin                  | Warren        | Felon                               | Guilty               |
| 26 | Shirley Larios                | Washington    | Felon                               | In court process     |
| 27 | Stacy Brown                   | Wright        | Felon                               | Deferred prosecution |