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Diversion agreement reached in rare North Dakota voter fraud case

John Hageman Forum News Service
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The Burke County prosecutor reached a pretrial diversion agreement this week with a western North Dakota man charged in a rare voter fraud case.

Dale Monte Larsen was charged with voter fraud, a Class A misdemeanor, for allegedly voting in Burke and Ward counties during the 2016 election. Secretary of State Al Jaeger said it may be the first such case to be prosecuted since the 2000 election.

The diversion agreement, approved by District Judge Douglas Mattson Tuesday, Sept. 12, calls for Larsen's prosecution to be suspended for six months as long as he doesn't commit a crime or infraction and follows through with neuropsychological testing. Burke County State's Attorney Amber Fiesel said if those conditions are met, the case will be dismissed. She declined to comment on the rationale behind the neuropsychological testing condition.

The agreement notes there is "substantial likelihood that a conviction could be obtained," but the "benefits to society from rehabilitation outweigh any harm to society from suspending criminal prosecution."

Larsen, whose address is listed as Stanley, didn't have an attorney listed in court records. A man who answered the phone at a number posted online as Larsen's declined to comment.

Larsen told a Burke County deputy sheriff that he started filling out paperwork in Bowbells, the Burke County seat, "quite a bit before the election" but it took too long and he left, according to the deputy sheriff's affidavit. He didn't turn in a ballot and didn't vote twice, he told Deputy Sheriff Samuel Mueller.

But information from auditors in Ward and Burke counties showed Larsen "was allowed to vote in Burke County by absentee ballot and voted in person in Kenmare," which is in Ward County, according to Mueller's affidavit.

Larsen's case was highlighted by a letter Jaeger sent to the Presidential Advisory Commission on Election Integrity, a controversial commission created by President Donald Trump. Critics have argued it's based on a false premise of widespread voter fraud.

North Dakota officials were unable to provide the commission with voter information it requested due in part to a state law that prevents information maintained in the Central Voter File from being shared "except with certain individuals and groups and for a specific limited purpose," Jaeger, a Republican, told the commission earlier this month.

Jaeger said the state knows of at least two probable cases of "double voting" in the 2016 election. The other instance involved a person casting an absentee ballot in North Dakota and voting in person in Idaho, but the state was told that because "there was no evidence of conspiracy, this individual would not be prosecuted."

There were nine suspected instances of double voting in the 2012 general election, Jaeger said, prompting the Legislature to amend voter ID requirements in 2013. Those changes, along with others made two years later, were challenged successfully in federal court.