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NEWS

Iowa voter fraud probe nets few cases, no trials since July 2012

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Iowa Secretary of State Matt Schultz has little to show for a voter fraud investigation that has gone on for nearly 18 months and cost the state almost $150,000.

Schultz, a Republican who has made ballot security his signature issue since taking office in 2011, struck a two-year deal with the Iowa Division of Criminal Investigation in July 2012 to assign an agent full time to investigating voter fraud cases.

Since then, according to figures provided by the secretary's office, the effort has yielded criminal charges in 16 cases, of which five have resulted in guilty pleas and five have been dismissed. None of the cases has, as yet, gone to trial.The DCI has been paid $149,200 for its efforts so far and could receive up to $280,000 out of the secretary of state's budget.

Schultz said the investigations have proved the existence of voter fraud in Iowa and bolstered his case for more scrutiny at the polls and verification of voters.

"Before, the narrative was that there's no such thing as voter fraud," he said. "That's obviously changed. Iowans expect us to do something when we know there's a problem."

Advocates for ballot access and Schultz's critics, however, say the five guilty pleas prove only that voter misconduct is statistically insignificant — and that it's generally the result of misunderstandings rather than fraud.

"Nationally and in Iowa, we just do not see that voter fraud is a big issue," said Bonnie Pitz, president of the nonpartisan League of Women Voters of Iowa.

"The activities from Secretary of State Schultz have just been intimidating," she said.

Three of the guilty pleas involved registration by felons whose voting rights had not been restored, including one who also was not a U.S. citizen.

A fourth case concerned a woman who obtained and cast an absentee ballot on behalf of her daughter, while a fifth was an identity theft case in which a man registered to vote while applying for a driver's license in the name of his dead brother.

In all three cases involving felons, the accused and their lawyers said they believed their rights had been restored. They pleaded guilty, lawyers said, because the deals offered by prosecutors were safer bets than going to trial and risking prison time.

Nickie Dean Perkins, for example, registered and voted in Marshall County in 2012 under the mistaken belief that his voting rights had been reinstated at the end of his probation.

"If there were no downside to this, it would be a fun case to try. I think we'd have a fairly good shot," said Perkins' attorney, Mark Olberding. "But if I was wrong and he got convicted on both counts, you're looking at upwards of 10 years in prison."

Jason Rawlin's case in Warren County was similar. He inadvertently registered to vote while obtaining a state ID card, and he was attempting to resolve the situation on his own when the DCI got involved, said attorney Cami Eslick.

"Somebody somewhere is trying to make a name for themselves," Eslick said, "so anyone who makes a mistake they're now trying to pin criminally."

Instances of real, intentional voter fraud are exceedingly rare, experts say, because the penalties are so high while the payoff is so low.

Few people are truly willing to risk felony convictions and prison time to secure one more vote for their favorite candidate.

"Secretary Schultz's actions not only waste a tremendous amount of money that should be used to increase access to voting in Iowa," said Ben Stone, executive director of the American Civil Liberties Union of Iowa. "Ultimately, they make it demonstrably harder for eligible people to vote."

Schultz though, is undeterred.

"We need to have zero tolerance when it comes to cheating," he said. "People have died to give us our right to vote, and we need to protect that right."

He also cautioned against drawing conclusions with six months left in the DCI investigation. "I don't think you can judge the initiative until it's over," he said.

Investigations will continue through June. In the coming legislative session, the secretary of state's office also will ask lawmakers for permission to study signature verification, a process for vetting absentee ballots.

Experts say absentee ballots pose far greater risks for fraud, since they're handled and filled out at home rather than at a polling place. A few other states already use signature verification, in which computers compare absentee ballot signatures with those kept on file.

The technology could perhaps have prevented one of the fraud cases identified by the DCI — when Beth Ann Gallagher of Dyersville cast a ballot at her daughter's request in the 2012 general election.

When Gallagher later learned her daughter had already voted in Minnesota, she reported the infraction to county election officials.

"I really think that's something we need to look at in order to make sure we have honest and fair elections," Schultz said.

Rule changes lead to lawsuit

One aspect of Matt Schultz's ballot security effort is on hold indefinitely.

He has sought access to a federal database to verify the citizenship status of registered voters suspected of being noncitizens. As part of that effort, his office wrote new rules guiding the process by which the state may verify a voter's eligibility and strip the voting rights of those found to be ineligible.

But the American Civil Liberties Union of Iowa and the League of United Latin American Citizens of Iowa have challenged those rules, arguing that Schultz exceeded his authority in issuing them and that they could disqualify eligible voters.

The groups are asking that the rules be struck down. A judge has sided with them so far, issuing a temporary injunction to prevent the rules from taking effect until the case is resolved.

— Jason Noble

Felons must apply to restore voting rights

Felons (and some aggravated misdemeanor offenders) in Iowa face differing and potentially complex requirements for earning voter eligibility, depending on when their sentences were completed.

Under the Iowa Constitution, "a person convicted of any infamous crime" is barred from voting unless the governor restores his rights.

From July 2005 until Gov. Terry Branstad returned to office in January 2011, an executive order issued by then-Gov. Tom Vilsack automatically restored many felons' voting rights roughly three months after their sentences were completed.

Branstad rescinded that order, however, requiring subsequent offenders to complete a five-step process that includes applying for restoration of rights, paying court costs and fines, compiling various documents and submitting the entire package to the governor's office.

Civil rights groups have protested Branstad's policy change, and Iowa Secretary of State Matt Schultz said in an interview last month that the process should be streamlined.

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How the DCI investigations work

In most cases, the alleged voter fraud incidents investigated by the Iowa Division of Criminal Investigation originated with county auditors, who administer elections at the local level.

When apparent cases arise, the auditors pass them on to the DCI investigator or the secretary of state's office, which then refers them to the agent.

Before the secretary of state contracted with the DCI, such investigations generally were handled by local law enforcement, such as the county sheriff, or not looked into at all.

The idea behind bringing in the DCI was to provide "more investigative resources," said Special Agent in Charge Adam DeCamp.

"Secretary Schultz had asked for someone to work those cases, to help out and to make sure if there were any concerns with the way the elections were being done that there were resources available to actually investigate and not let them slide," he said.

The DCI agreement itself has come in for scrutiny: The state auditor's office is reviewing whether it's appropriate for Schultz's office to use federal election-improvement money to fund the fraud investigations.

A report is expected in the next few weeks.

— Jason Noble