

POLITICS & GOVERNMENT

# Kris Kobach files to prosecute three voter fraud cases in Kansas

By Bryan Lowry

EAGLE TOPEKA BUREAU



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Kris Kobach persuaded the Legislature to grant him prosecutorial power during this past legislative session, making him the only secretary of state in the nation to have such authority. BRYAN LOWRY THE WICHITA EAGLE



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Kansas Secretary of State Kris Kobach has filed criminal charges against three people he says committed voter fraud in the 2010 election.

They are the first charges filed since the Legislature granted Kobach prosecutorial power earlier this year. Gov. Sam Brownback signed the bill making Kobach the only secretary of state in the nation to have such authority in June.

Kobach filed two criminal cases in Johnson County and one in Sherman County on Friday. His office released the criminal complaints on Tuesday.

The felony complaint against Lincoln L. Wilson in Sherman County, which borders Colorado, alleges that he perjured himself on voting forms and voted in 2010, 2012 and 2014 despite not being lawfully registered. His first appearance in court is set for Nov. 3.

Kobach said his office believes Wilson's primary residence is Colorado and accused him of serial double voting – voting in both states.

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“Double voting is a serious crime,” Kobach said. “It undermines the principle of one man or one vote. Regardless of whether a person has property in two jurisdictions or not, the fact that they own property does not entitle them to twice as many votes as the rest of us.”

Wilson, reached by phone on Tuesday, said he lives part time in Sherman County and part time in Yuma County, Colo.

He said he voted in both states.

“But I know for a fact that I only voted for one president,” said Wilson, 64 and a Republican. “The issues in Kansas that I vote for would’ve been for that general election, such as property tax ... and if I voted for a senator or a representative in the state of Kansas, that would have nothing to do with a senator or a representative in the state of Colorado.”

Wilson, 64, has several real estate properties in each state. He said he believed he was restricted to voting in only one county in each of those states.

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“When I look at a Colorado form, I’m signing a Colorado form. It doesn’t say it’s a United States form, it says it’s a Colorado form,” Wilson said. “In Kansas, my reasoning was the same.”

Wilson said he was contacted by the Sherman County Sheriff’s Office about whether he was a Kansas resident, but he was still shocked to find out he would be prosecuted. He said he has not been served a summons and didn’t know he had officially been charged.

Election perjury, or making false statements to election officials about being qualified to vote, is punishable by up to seven months in prison for a first-time offender, although the presumed sentence is a year’s probation.

Couple prosecuted

The defendants in the Johnson County cases are Betty M. Gaedtke, 61, and Steven K. Gaedtke, 60, according to court records. Each faces misdemeanor charges of unlawful voting and advance voting unlawfully.

The Gaedtkes allegedly voted in both Arkansas and Kansas in 2010. Their cases will go before Judge Charles Droege and Judge Thomas Sutherland, respectively, on Dec. 3.

Voting registration records from 2010 show the Gaedtkes were registered as Republicans in Olathe at the time.

Arkansas Secretary of State Mark Martin released a statement saying that he respects “the actions of Secretary Kobach and his efforts at combating voter fraud.”

Martin noted that his office lacks the authority to prosecute, but he said he agrees with Kobach that voter fraud threatens to “compromise the integrity of the electoral system as well as voters’ confidence in that system.”

Johnson County District Attorney Steve Howe would not comment on the case.

Howe had testified against granting Kobach prosecutorial power on behalf of the Kansas County & District Attorneys Association at a legislative hearing in March.

Giving the Secretary of State’s Office prosecutorial power would be “unnecessary and wasteful given that there are already officials more appropriately positioned and resourced to deal with such matters,” Howe said in written testimony available on the Legislature’s website.

At the same hearing, Kobach shared information about cases in which local prosecutors had refused to prosecute, including two cases in Johnson County where the voters were alleged to have also voted in Arkansas in 2010.

Rep. John Carmichael, D-Wichita, recounted that Howe was asked about this case during that hearing and had explained that the couple were former Johnson County residents who had voted in Kansas by advance ballot by mistake.

Kobach said his office had uncovered new information, and “the evidence in both cases is very strong that the individuals in question intentionally voted multiple times in the same election.”

‘Waste of resources’

During his push to be given prosecutorial authority, Kobach presented to the Legislature 18 alleged cases of double voting that he said occurred during the 2010 and 2012 elections.

Kobach’s critics say he exaggerates the threat of voter fraud. They contend that discretion over these cases is better left to local prosecutors.

Micah Kubic, executive director of the American Civil Liberties Union of Kansas, pointed out that local prosecutors did not find these cases worthy of prosecution and said that Kobach has been “particularly zealous about trying to find something to justify this new law that he got passed, so I’d be really concerned about the merits of the individual cases.”

Djuan Wash, spokesman for Sunflower Community Action, a group that has opposed Kobach’s push to tighten Kansas election laws, called the prosecutions “a very serious waste of resources.”

Wash said Kobach’s filing of just three cases proves that widespread voter fraud is not a problem in Kansas.

“These were the first out the door,” Kobach said. “We expect to file more cases in the next few months.”

Kobach earlier had hinted that he might pursue a prosecution in Sedgwick County. He said he could not comment on whether one of the future cases would be in Sedgwick County.

Contributing: Associated Press

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