

Kobach files new round of voter fraud cases

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TOPEKA -- Secretary of State Kris Kobach has filed new voter fraud charges in three counties -- the second round of criminal complaints since he gained prosecutorial power last year.

Kobach on Monday also unveiled a proposal to require audits of election machines after a mathematician unsuccessfully attempted to privately review machine records.

Voter fraud charges have been filed in Johnson, Sedgwick and Ellis counties. Copies of the complaints provided by the Secretary of State's office show Kobach has charged Ron R. Weems with two felony counts and three misdemeanor counts stemming from double voting in Sedgwick County. The alleged crimes took place in 2012 and 2014.

Additionally, Michael L. Hannum has been charged with one felony count and three misdemeanor counts related to double voting in Johnson County. The case stems from the 2012 election.

Hannum lives in Omaha, Neb., and told the Associated Press that prosecutors' offices in both places told him they weren't going to file cases.

Kobach also charged Randall K. Kilian with three misdemeanor charges in Ellis County stemming from 2012. Kilian, who lives in Castle Rock, Colo., said he knew nothing about it.

The new cases come after Kobach charged three people in September: a husband and wife alleged to have voted in both Johnson County and Arkansas and a man who allegedly voted in western Kansas and Colorado.

Last spring, the Legislature passed and Gov. Sam Brownback signed legislation granting the Secretary of State's office the ability to prosecute voter fraud cases.

So far, Kobach has obtained one guilty plea. Steven Gaedtke pleaded guilty to a misdemeanor in December and agreed to pay a \$500 fine and court costs. The case against his wife, Betty Gaedtke, is ongoing.

A more serious case involving Lincoln Wilson also remains unresolved. Wilson is accused of voting in multiple elections in Sherman County in western Kansas between 2012 and 2014 without being qualified and committing election perjury. Wilson faces 10 counts in total, including three felony counts.

Kansas is the only state to give its secretary of state prosecutorial power. Kobach said his office hasn't hired additional staff, but has been pursuing cases without using additional resources.

Critics of Kobach's push into prosecution maintain instances of voter fraud are rare. Rep. Tom Sawyer, D-Wichita, said he supports prosecuting voter fraud, but said voter fraud to him is people who vote multiple times in different locations in a purposeful effort to influence the outcome of an election.

The cases Kobach has filed so far don't look like that, Sawyer said.

"It sounds like people honestly not knowing they couldn't vote in those states," Sawyer said.

Kobach, asked if the prosecutions might be targeting individuals who didn't know what they are doing was a crime, defended the charges.

"I think it's absolutely essential we take the principle of 'one person, one vote' seriously," Kobach said. "And I would add this, too: Typically, when someone is caught in a crime of this nature, they're going to say, 'Oh, I didn't know I did that.' That's not an uncommon first response."

Election auditing

Speaking to the House Elections Committee on Monday, Kobach proposed legislation that would allow for audits of voting machines after election day.

The bill put forward by Kobach would require a percentage of precincts or districts to be manually audited after election day but prior to meetings of the County Board of Canvassers, which certifies results. A bipartisan election board would conduct the audit in a public setting.

Wichita State University mathematician Beth Clarkson wants Sedgwick County election machine tapes to check their error rates during the November 2014 election. Kobach maintains state law doesn't allow for the release of the tapes, though he said he personally favors auditing.

"I believe the rule of law trumps any elected officials' preferences, so my answer had to be no," Kobach said.

The auditing requirement would go into effect in 2017. But Kobach said he was open to pilot programs that potentially could perform audits for the 2016 elections.

While lawmakers said they hadn't seen the specific legislation, the idea drew praise.

"Post-election audit legislation, in my mind, is very important legislation," said Rep. Mark Kahrs, a Wichita Republican and the committee chairman. "But it's very difficult, very comprehensive, and I think it's going to take bipartisan support to get something like that passed this session."