

STATE

## Magoffin County officials convicted in vote-buying scheme

By Bill Estep

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The jury returned verdicts late Friday against Magistrate Gary “Rooster” Risner and Larry Shepherd, a deputy clerk in the office of his wife, county Clerk Renee Arnett Shepherd.

The jury also convicted Tami Jo Risner, Risner’s ex-wife, but acquitted Mason Daniels, who works as a farrier.

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The four were charged with conspiring to buy votes in 2014 for a slate of candidates including county Judge-Executive Charles “Doc” Hardin, Risner and Renee Shepherd.

A fifth person, Scotty L. McCarty, was initially charged with the others in the alleged conspiracy but pleaded guilty to a misdemeanor vote-buying charge and testified against them.

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McCarty testified he took part in vote fraud with Hardin, Risner and Larry Shepherd in several elections, working as a precinct officer at Carty Branch to corrupt elections from the inside.

In one election, for instance, he added 60 votes to the total for a state representative candidate, and Risner signed names to the precinct log of people who hadn’t showed up to cover the extra votes, McCarty said.

McCarty testified Risner told him Hardin put in \$30,000 to buy votes in 2010, while Larry and Renee Shepherd put in \$10,000 and Risner contributed \$2,000.

Prosecutors also presented testimony from several people who said various members of the conspiracy paid them \$50 in 2014 to vote for the right slate.

Assistant U.S. Attorney Ken Taylor told jurors that in the 2014 elections, Risner handled the money for the conspiracy, while Tami Risner and Daniels recruited vote-sellers and Shepherd used his position to further the scheme.

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Taylor, who prosecuted the case with Assistant U.S. Attorney Andrew Boone, said after the verdict that the investigation of alleged vote fraud in Magoffin County continues.

Hardin, a Democrat serving his fourth term who also works as a physician, was not charged in the case and has consistently denied being involved in vote fraud.

The jury convicted Risner, his ex-wife and Shepherd on one conspiracy charge. Jurors also convicted Risner on seven charges of vote-buying and his ex-wife on two vote-buying counts.

Shepherd's attorney, Jason Nemes, said Shepherd will appeal.

"We don't think the evidence supports the verdict," he said.

Attorneys for Gary and Tami Jo Risner also said appeals are likely.

Defense attorneys argued McCarty and other prosecution witnesses were unreliable. Jurors obviously believed McCarty, however, said Risner's attorney, Michael Curtis.

Daniels' attorney, Joseph Lane, said Daniels' straightforward testimony in his own defense helped him.

"I thought this was a great verdict for Mason," Lane said.

U.S. District Judge Danny C. Reeves scheduled sentencing for the three for Dec. 1. The conspiracy and vote-buying charges each carry a maximum sentence of five years.

There have been allegations of fraud in the last several local elections in Magoffin County.

Randy Salyer, a close ally of Hardin's, was convicted of buying votes in the 2010 general election and sentenced to 21 months in prison. After he was released, Hardin hired Salyer as an assistant, giving him "a reward for not testifying against Hardin" about vote fraud, Taylor said in a court document.

In the May 2014 primary, former county Clerk H.B. Arnett beat Hardin by three votes on Election Day, then lost a vote in a recount while Hardin picked up five votes, making him the winner by three votes.

Supporters of Arnett charged that someone had added votes for Hardin after the election, though Hardin's attorney said the recount merely caught an earlier error.

In the fall race in 2014, Republican challenger John Montgomery, who owns a small business, beat Hardin by a comfortable margin in votes cast on Election Day.

However, Hardin won far more absentee ballots and beat Montgomery by 28 votes overall.

Tressa Whittington, an accountant with the FBI, testified at the trial that Hardin got 69 percent of the votes cast by absentee ballot in the 2014 general election, and that 24 percent of his overall vote total came from absentees, compared to 11 percent for Montgomery.

Risner got 76 percent of the absentee votes cast in his race against challenger Brandon "Chickenwing" Minix, Whittington said.

The suggestion was that fraud involving absentee voting helped Hardin and Risner.

After the 2014 race, Montgomery filed a lawsuit alleging Hardin took part in vote fraud and that the local election board violated a number of election rules.

Circuit Judge John David Preston ruled in February 2015 that the election was tainted by a range of problems, including precinct officers improperly helping people vote, and concluded that county workers illegally spread gravel on some private driveways shortly before the election.

Preston said there were so many problems there was no way to say whether either candidate won fairly, and vacated the office.

A state Court of Appeals panel upheld that ruling. Hardin and the county election board appealed to the state Supreme Court, which has not yet ruled.

Hardin posted a bond allowing him to stay in office while the case is pending.

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