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Chester County man facing trial for voter fraud says he was tricked into voting twice



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EAST GOSHEN – Attorneys for a Willistown man who was charged with voter fraud in the November presidential election by casting a ballot in his son’s name are contending that their client was tricked into voting twice by local election officials.

The allegation, made without evidence by one of the two lawyers representing defendant Ralph Holloway Thurman, came during a lengthy preliminary hearing Wednesday before District Judge Thomas Tartaglio of East Goshen, at which they also contended that Thurman had been given permission by his son to vote on his behalf.

At the conclusion of the hearing, Thurman was held for trial in Common Pleas Court on felony charges of repeat voting at elections, and forgery, identity theft, and false swearing to a public official, all misdemeanors. Tartaglio dismissed a single count of forging and destroying ballots.

“We believe that Mr. Thurman was set up,” attorney Joseph Vaughan of the Philadelphia law firm of Vaughan Baio and Partners told Tartaglio during his questioning of the poll worker who had noticed Thurman’s suspicious behavior the morning of Election Day. He referred to an unidentified “bounty” that the poll worker might have applied to receive in exchange for reporting voter fraud at the polls.

In his cross-examination, Vaughan suggested that the worker, Eric Frank, was in league with his father, David Frank, the precinct judge of elections, to receive the so-called bounty, noting that Eric Frank’s mother and David Frank’s wife is Lani Frank, a noted Democratic Party activist in the county. Thurman is a registered Republican. But Vaughan offered no evidence of such a scheme, either during or after the hearing, and Tartaglio ruled in favor of the prosecution when the questions were objected to.

“We are not here because of anyone else’s conduct,” Assistant District Attorney Daniel Hollander told the judge. “We are here because it is the defendant who is alleged to have committed a crime.”

On Thursday, Eric Frank denied he had moved to trick Thurman, whom he had never met before Election Day.

“I know nothing about a bounty or a reward or anything,” he said. “I haven’t reached out for any kind of compensation. What they are drumming up is completely false.”

The case has drawn national attention because of President Donald Trump's repeatedly debunked claims that he lost the presidential election to former Vice President Joe Biden because of massive voter fraud in several states, including Pennsylvania. Those claims have been dismissed in courts at both the state and federal level in Pennsylvania. Among the millions of voters who cast their ballots on Election Day in the state, only Thurman and two men from Delaware County have been charged with committing voter fraud.

Lt. Gov. John Fetterman, who defended the state's record on voting security in the days after the election, had cited Thurman's case in his attempt to collect funds from his Texas counterpart, Republican Lt. Gov. Dan Patrick, who offered a \$1 million reward for anyone who brought forward a valid complaint of fraud, part of an effort by GOP officials to put a spotlight on alleged irregularities in the state.

On Thursday, Fetterman said Thurman's case showed how impractical the notion of massive voter fraud to sway the results of an election was.

"This case demonstrates how rare and impossibly difficult it is to successfully commit voter fraud," Fetterman said in a telephone interview. "The fact that Mr. Thurman also happened to vote for the president also underscores that key point."

The lieutenant governor said he did not believe that the 71-year-old Thurman deserved to go to jail if convicted even though the most serious charge against him – repeated voting – carries with it a possible maximum jail term of 31/2 to seven years in state prison. The appropriate thing to do would be for Thurman to tape several public service announcements discussing how "dangerous and foolish it is to commit voter fraud."

West Chester attorney Sam Stretton disputed the notion that Thurman's son could have legally given him permission to vote on his behalf. "It is totally illegal. You vote for yourself. There is no such thing as proxy voting. If we did that, it would create absolute chaos."

According to published reports, most of those so far charged with illegally voting in the presidential race sought to cast one or two additional ballots and appear to have been driven less by a desire to actually swing the election than to cut corners on behalf of a friend or relative or, even, merely to test the system – an illegal act Trump appeared to encourage before Election Day.

Cutting corners seems to be the motive behind Thurman's actions.

According to the testimony at Wednesday's preliminary hearing, at which the prosecution must establish that a crime was committed and that the defendant was

more than likely to have been the one who committed it, Thurman came to vote at the Willistown South-One polling place at Sugartown Elementary School around 7:20 a.m. on Nov. 3. Eric Frank said he was working as an assistant at the polls that day, handing out ballots after being notified by another poll worker of the voter's name.

Eric Frank told Hollander under questioning that he heard Thurman asked the other poll worker if he needed identification to vote, and was told that he did not unless it was his first time voting. He wondered whether he would be able to return and vote for his son, Eric Frank said.

"So I can come back and sign in again?" Eric Frank quoted Thurman as asking. "I said, 'That would be illegal.' He said, 'How would you know?'"

Thurman voted and left. But about three hours later, he returned.

Eric Frank said around 10:20 a.m. he heard the name "Thurman" announced again and looked up to see the man he had spoken with earlier, this time wearing sunglasses.

"I was in shock that he had come back after our initial conversation," he said. Nevertheless, he handed Thurman a ballot, and then tried to alert his father, who was helping another voter.

By the time Eric Frank was able to tell his father about the repeat voter, David Frank later testified, the man was just finishing entering his ballot in the election scanner and was on his way out the door.

"I said, 'Sir, can you please come back in here, so we can straighten this out?'" David Frank said. "He said, 'I don't know. I can't do that. I have to go. My wife is in the car.'"

A third poll worker, Nancy Harkins of West Chester, said she was substituting for the poll book worker when Thurman arrived the second time. She said she distinctly heard him identify himself as Kyle Thurman and signed the poll book under that name.

Vaughan pressed Harkins as to whether Thurman had told her he was there to vote for his son. No, she said. "He said he was Kyle Thurman." Did she hear him ask if it would be all right to vote for his son? Vaughan asked. "No," she answered.

In their cross-examination, Vaughan and co-counsel Jeff Oster suggested that what had occurred is that Thurman had appeared at the polling place knowing that his son, who had lost a family member earlier, would not be able to vote. When he asked

the poll worker who signed him in if it would be proper to vote for his son, Vaughan said, the woman said, "I guess so."

Vaughan also asked Eric Frank whether he could tell that Thurman was hard of hearing and didn't understand his explanation that voting twice would be illegal.

"There is no indication that Mr. Thurman heard what you said, is there?" Vaughan asked. "Do you know that Mr. Thurman is hard of hearing?"

But Eric Frank was adamant. "He looked at me directly as if we were having a conversation, and he responded," he answered. Asked why he gave Thurman a second ballot later in the morning even though he was suspicious that he had already voted, Eric Frank said it was not his job to confront voters. That was why he alerted his father.

When Vaughan questioned David Frank, he asked whether the elections official was aware that when Thurman voted for his son, he cast a ballot for Biden, not Trump. "If the votes cancel each other out, isn't it true that you're not technically voting twice?" He asked. Hollander, however, objected, calling the notion "absolutely preposterous." Tartaglio agreed.

The sole witness called by the defense was the arresting officer, Detective William Viebahn. Vaughan asked him why he had not interviewed Thurman to find out what his explanation of the matter was, to which Viebahn replied that after he learned that Thurman had hired an attorney to represent him, it would not have been proper to question him.

Asking Tartaglio to dismiss the charges against Thurman, Vaughan argued that his client was a "pillar of the community" who had fought in the Vietnam War and led a prosperous company as a chief executive. He had devoted himself to philanthropic work, and was much "a stellar human being."

"It is implausible to think that he would knowingly commit a crime," Vaughan said. "The crime here is to bring charges." Repeating his claims of a "set up" by others' gains of his client, he said the case was "insidious at its worst, and a mistake at best."

But Hollander argued that the case was a simple one of a voter who had tried to circumvent the rules that were explained to him about voting for another person. "It's not very hard, and it's not very complicated," he said. "We established through all the witnesses that he voted twice. Our case is incredibly strong."

Stretton sympathized with Thurman for having made the mistake of not accepting responsibility and instead of challenging the evidence against him, but said that he had chosen the wrong time to test the waters against voting laws.

“This is not the year to have election fraud count against you,” he said. “Not 2020.”

Thurman remains free on bail pending his trial or other resolution of the case.

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