

# Judge orders Shaun Brown's name removed from ballot, citing fraud

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## RICHMOND

A judge ordered independent congressional candidate Shaun Brown's name removed from the Nov. 6 ballot, ruling Wednesday that her petitions contained numerous forged voter signatures and involved "out-and-out fraud."

Just before announcing his ruling, Richmond Circuit Judge Gregory Rupe told Democratic Party lawyers he agreed that Brown's name should be removed because members of U.S. Rep. Scott Taylor's campaign staff collected fraudulent signatures to assist Brown and many petitions may have been illegally notarized before being sent to the state Department of Elections.

"I'm buying almost all of what you all are selling," Rupe said, looking at attorneys Jeffrey Breit and Aria Branch. "There's no doubt in my mind that there are instances of forgery ... perjury and out-and-out fraud."

Rupe also found fault with all of Brown's petitions because they used three incorrect home addresses for her – a violation of state election law. Rupe said using those Virginia Beach addresses, which Brown has said were her decisions, were “sophomoric mistakes that are material in nature.”

Brown, who lives in Hampton, said she intends to appeal .

The state Democratic Party filed suit last month against top election officials, seeking Brown's removal from the ballot for the 2nd Congressional District seat.

The party's lawyers spent most of Wednesday's 3 1/2-hour hearing making their case – using documents, a handwriting expert and signed statements from Taylor's campaign workers .

They produced signed affidavits from six people with ties to the Taylor campaign who had been subpoenaed to testify.

All signed statements saying they would invoke their constitutional right against self-incrimination and not answer if they were asked whether they knew signatures were forged, whether they were attempting to defraud the state Board of Elections, or whether it was true that Taylor had directed them to help Brown get on the ballot.

Democrats did not accuse Taylor, a Virginia Beach Republican, of being involved in anything illegal.

Taylor has said he was aware his staff was assisting Brown, but he denounced the alleged fraud, which emerged after separate investigations by WHRO, The Virginian-Pilot and the Democratic Party.

Democrats contend Taylor was helping Brown, a former Democratic candidate, to weaken support for Democratic nominee Elaine Luria in the election.

The Democrats subpoenaed the congressman to testify Wednesday, but his attorney persuaded the judge that state law protects him from such demands while the House of Representatives is in session.

After adjusting their signature count in recent weeks, election officials determined Brown had 1,193 valid signatures. A candidate must have at least 1,000 to qualify for the ballot.

However, Breit said, Democrats found that 377 names were on petitions circulated by three Taylor campaign workers who were tied to the forged signatures.

Cina Wong, a handwriting expert hired by Democrats, testified she found more than 20 pages of petitions collected by Taylor's workers were “riddled with forgeries.”

The petition controversy does not end with Rupe's ruling. A special prosecutor has been appointed to conduct a criminal investigation.

Virginia State Police have begun two separate investigations to examine the signatures and whether the petitions were properly certified before being turned over to election officials, Breit said.

After the hearing, Breit said Democratic officials don't fault the Department of Elections .

"I don't think they did anything wrong," he said, because they did their proper spot checks of petitions. He acknowledged some changes may be needed to tighten the rules.

Assistant Attorney General Stephen Cobb, who represented the state election officials, seldom spoke during the hearing – except to note that if the judge found there was fraud, the department would take steps to remove Brown from the ballot.

Jame Ellenson, Brown's attorney, argued that Rupe didn't have authority to take action and that his client was being "disenfranchised" because she is black.

Luria, a Norfolk businesswoman making her first bid for elected office, said in a prepared statement after the ruling that Taylor is avoiding responsibility for the controversy.

"From the time this fraud became public knowledge, Congressman Scott Taylor has dodged responsibility for the criminal actions of his paid staff," Luria said. "Today's decision makes no difference to how I will conduct my campaign. I have said from the beginning that I am running against Scott Taylor's voting record."

The 2nd District includes all of Virginia Beach and the state's Eastern Shore as well as Norfolk's north side and several localities on the Peninsula, including Williamsburg and York County.

Bill Bartel, 757-446-2398, [bill.bartel@pilotonline.com](mailto:bill.bartel@pilotonline.com)

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