


Richmond judge finds 'out-and-out fraud' in effort by Rep. Scott Taylor staff to get independent on ballot

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In a ruling with potentially serious ramifications for the re-election campaign of Rep. Scott Taylor, R-2nd, a judge on Wednesday found “out-and-out fraud” in signatures Taylor’s campaign staff gathered to help get an independent spoiler candidate on the ballot.

Richmond Circuit Judge Gregory L. Rupe ruled that independent Shaun Brown should be removed from the 2nd Congressional District ballot. Campaign staffers for Taylor helped gather signatures required to get Brown on the ballot. Investigations by news media and the Democratic Party showed forged signatures, including from voters who had died or no longer lived in the congressional district.

The judge’s ruling followed testimony in a civil lawsuit the Democratic Party of Virginia brought against state elections officials. Four Taylor staffers and a former campaign consultant signed affidavits invoking their Fifth Amendment right against self-incrimination in response to a series of questions about what happened.

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Jeffrey Breit, an attorney for the Democratic Party, told the judge there was clear evidence of a pattern and intent by the Taylor campaign to defraud the Virginia Department of Elections.

“Here is a sitting congressman who sits together with his staff to add a woman charged and indicted for fraud and add her to the ballot for the sole purpose of trying to help his election,” Breit said after the hearing. Brown faces federal fraud charges in a case unrelated to the campaign.

Taylor spokesman Scott Weldon said in a statement: “Given that the Democrat lawsuit was purely political and has now successfully excluded Shaun Brown, it’s understandable that individuals would exercise their right not to testify today. Our campaign will continue to cooperate with the investigation and make no further comment while it is ongoing.”

A criminal investigation into ballot fraud by a special prosecutor, Roanoke Commonwealth’s Attorney Donald Caldwell, is active. A Virginia State Police investigator sat in the courtroom Wednesday to hear evidence from the civil case.

Breit made two key arguments in asking the judge to find fraud in Brown’s signatures.

He argued that 377 signatures Taylor staffers gathered for Brown were filled with forgeries and should be tossed out, leaving Brown with fewer than the 1,000 valid signatures she needed to get on the ballot.

He also argued that all Brown's signatures should be tossed because she gave three false addresses on her forms. Brown lives with her mother in Hampton, but that address was not used on her petition forms.

"I'm buying almost all of what you all are selling," the judge told the Democratic Party lawyers when he ruled. He said he found evidence of forgery, uttering, perjury and "out-and-out fraud."

Brown's false addresses, the judge said, were "sophomoric mistakes" but still violated the law.

The judge earlier ruled that Taylor would not have to testify at the hearing.

Last month, after news of the forgeries, Taylor announced that he was severing ties with his campaign consultant.

Rob Catron, the former consultant, signed an affidavit saying that if he testified, he would invoke his Fifth Amendment right against self-incrimination if asked whether he knew there were forged signatures, whether Taylor directed the effort to gather signatures for Brown, and whether there was an attempt to defraud the State Board of Elections.

The four Taylor staffers signed affidavits filed with the court saying that if they were called to testify and asked if signatures were forged and whether Taylor directed the effort to collect signatures for Brown, they would invoke their Fifth Amendment right against self-incrimination. They are Lauren Creekmore, Roberta Marciano, Heather Guillot and Daniel Bohner.

Vicki Wilson, a notary who notarized signature pages for Brown, signed an affidavit saying she would invoke her Fifth Amendment right if she had been called to testify and asked if the person who signed the circulator's affidavit was not present when she filled out the notary certificate.

The Department of Elections previously certified Brown for the ballot by finding she had more than 1,000 signatures of registered voters in the district. After the scandal broke, the department did an analysis and put the number at 1,193 — but that was before the judge ruled on whether there was fraud.

Stephen A. Cobb, deputy attorney general, said in court that the department followed the law in the validation process.

Cina Wong, a handwriting expert hired by the Democratic Party, looked at petitions signed by Creekmore, Guillot and Marciano. In addition to known fraudulent signatures, she testified that she found “an overwhelming amount of forgeries on the same sheets.” She was asked to count them and responded that she found 146 apparently forged signatures.

Democrat Elaine Luria is trying to unseat Taylor in a hard-fought contest in the Virginia Beach-based district. Brown was the Democratic nominee who lost to Taylor in 2016.

The botched effort by the Taylor campaign to help Brown will have bearing on the election and is being used in a TV attack ad on Taylor, a former Navy SEAL and former state lawmaker seeking a second term in Congress.

The race was already a toss-up, longtime Virginia political analyst Larry Sabato wrote on Twitter.

“‘Out and out fraud’ judgment sure won’t help GOP Rep. Scott Taylor in his reelection bid. Removal of African-American independent from ballot stops drain from D nominee Elaine Luria,” Sabato wrote.

Luria noted Taylor’s staffers invoked their Fifth Amendment rights.

“And while that is their constitutional right, in this situation, it has the appearance of guilt,” she said in a statement.

“As a commanding officer in the Navy, I could always delegate authority to the lowest level, but I could never delegate responsibility. Scott Taylor needs to stand up and take responsibility for what Judge Gregory Rupe called ‘out-and-out fraud.’ This is not the kind of moral character this district, or our country, deserves.”

Breit said that he has spoken to Caldwell, and that the special prosecutor said he knows the situation needs to be addressed quickly. “I don’t know how fast the state police will finish the investigation,” he said.

Brown has maintained that she was not aware Taylor’s staffers were assisting in her signature efforts. Octavianus Smith, her political director, testified Wednesday that he knew of no coordination between Brown’s campaign and Taylor’s.

Brown spoke to reporters after the hearing and repeated her concern that the Democratic Congressional Campaign Committee threw its support to Luria before Democratic primary voters got a chance to decide, and the party has a long history of excluding African-Americans.

She said she would appeal Wednesday’s ruling to the Supreme Court of Virginia.

“You should be ashamed of yourself, Congressman Taylor. You were not even willing to appear on a stage with me in 2016. Numerous organizations and civic groups had various forums and you were not even willing to be on the stage with me. ... And so now, to do this. We were not aware.”