

Shaker Heights man found guilty of double voting in 2020 and 2022

Man caught by ERIC data system Ohio Secretary of State decided to leave this year

By: [Nick Evans](#) - August 23, 2023 4:50 am



Getty Images.

A Cuyahoga County judge found Shaker Heights resident James Saunders guilty of voter fraud Tuesday. Saunders cast votes in both Ohio and Florida during the 2020 and 2022 elections.

Despite suspicions among conservatives about rampant voter fraud benefiting Democrats, Saunders is a Trump supporter. According to FEC data he gave more than \$5,600 to the former president's campaign committee and the National Republican Congressional Committee.

Secretary of State Frank LaRose has flagged more than 100 cases of potential voter fraud in Cuyahoga County since taking office. Saunders' case was the only incident thus far to result in charges. State officials were able to catch Saunders thanks to a multi-state compact known as the Electronic Registration Information Center, or ERIC.

LaRose decided to have the state of Ohio leave that group earlier this year.

The findings

Saunders waived his right to a jury trial, leaving the final decision to Judge Andrew Santoli who laid out the facts in a 12-page order.

In 2020, Saunders voted early in Ohio. He showed up at the Cuyahoga Board of Elections to cast a ballot on Oct. 21. Three days later, Santoli explained, Saunders requested an absentee ballot from the Broward County Board of Elections in Florida.

Broward elections officials sent that ballot but it never came back. Instead, Saunders showed up on Election Day in person, "at 3:09 p.m." Santoli noted.

"The signature he presented on that day has the name 'James Dalton Saunders' clearly legible and written in cursive, which matches the signatures used by Saunders when he voted in person at the Cuyahoga County Board of Elections on October 21, 2020 and matches the signatures on file with both the Broward and Cuyahoga County Boards of Elections," the judge explained.

In 2022, Saunders flipped the process. This time, he cast an absentee ballot in the Florida election. He asked the board in Florida to deliver the ballot to his address in Ohio. Then, on Election Day, he showed up to vote at Woodbury Elementary in Shaker Heights.

Interestingly, Saunders may have voted multiple times in more elections than the two for which he was tried. Saunders first registered in Broward County in 2009. He voted there in 2014, 2016, 2020, and 2022.

Saunders' voter participation history with the Cuyahoga County Board of elections shows him voting absentee in Ohio's 2014 primary election. In 2016, he cast absentee ballots in Cuyahoga for the primary and the general.

"This evidence clearly shows Saunders's history of voting in the same election cycle in Ohio and Florida since at least 2014," Santoli said.

The analysis

During trial, Saunders argued his offenses were unintentional, and prosecutors should have to show he acted "recklessly."

The judge flatly rejected that argument. He noted four different appeals courts have found voter fraud is a "strict liability offense" — that is, the defendant's guilt isn't predicated on his or her intent. But even granting Saunders' argument there's plenty of evidence to determine recklessness.

"Appearing at two different polling locations, in two different states, to cast a ballot in the same presidential election in less than two weeks undoubtedly evidences a 'reckless' mental state," Santoli said.

Turning to Saunders' track record of double voting years going back to 2014, Santoli said, "(Saunders') argument that his actions in the 2022 general election were 'accidental' or done without his knowledge, are unbelievable."

Santoli also took up two technical arguments Saunders advanced at trial. First, Saunders argued an Ohio court has no jurisdiction over acts that occur in a different state.

Santoli batted this argument away noting that although "casting a vote in Ohio, while not itself an illegal act, is an element of the offense of election fraud." Because Saunders went on to vote again, Santoli said, both votes "make up elements of the offense of election fraud that was committed in Ohio by an Ohio resident." The judge added that in 2022, at least, Saunders cast his absentee Florida ballot and his in-person Ohio ballot in Ohio.

Saunders also argued that because Ohio and Florida's ballots contain unique local issues, they can't be considered "the same election."

Santoli called this argument "absurd."

"Advancing Saunders's theory to its logical conclusion, Ohio's election fraud statute would only apply to an individual who voted or attempted to vote more than once within the same municipality," he said.

Conclusion

Santoli determined the evidence "overwhelmingly" proves Saunders' guilt on both counts of election fraud. After the hearing, the judge remanded Saunders to jail. He's scheduled for sentencing next Monday.

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