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(</subscribe/digital/>) Wisconsin Felon Convicted of Voter Fraud for Voting

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The Seventh Circuit Court of Appeals has affirmed the conviction of a convicted felon for voter fraud. During the 2004 election cycle, Kimberly Prude was serving a term of supervised release for a forgery conviction in Wisconsin. Under Wisconsin law, Prude was not eligible to vote until she finished her term of supervision.

In the weeks leading up to the election, Prude became a volunteer for candidates in the 2004 presidential race. She made calls encouraging residents to vote and offering to arrange transportation or absentee ballots for those who requested them. On October 22, 2004, Prude participated in a rally that encouraged people to march to Milwaukee City Hall, register to vote, request an absentee ballot and vote. With her fellow marchers, Prude did just that. She also filled out an application to be officially employed by the Election Commission as a poll worker on Election Day, and was hired.

Following an investigation into voter fraud in Milwaukee, Prude was arrested in 2005 for casting a ballot despite being an ineligible voter. At the conclusion of a three-day trial, Prude was convicted of voter fraud and sentenced to twenty-four months in prison, to be served concurrently with a sentence imposed by Wisconsin courts on other charges.

Prude testified that the day after she cast her ballot, she learned that she was not allowed to vote. She contacted the Election Commission in an attempt to withdraw her ballot and a Commission staff person told her not to worry about it. During trial she tried to enter evidence that no procedures existed to make such a withdrawal.

The government objected to that evidence and the district court ruled it was inadmissible. Regardless, the government entered into evidence, via a hostile witness, testimony on how a person could challenge another person's absentee ballot. That testimony was not objected to in the trial court but was argued to be plain error on appeal. The Seventh Circuit held that while such testimony may have been error, there was no prejudice because similar testimony had been entered through other witnesses.

To prove that Prude had knowledge that she was prohibited by Wisconsin law from voting, the

government entered into evidence five separate "Rules of Community Supervision" that bore Prude's signature and advised she could not vote. And to prove the fraud element, the government entered testimony of the chief inspector at the polling place where Prude had worked on election day.

That inspector was allowed to testify, despite not being able to identify Prude by name or recognize her in court, that she observed an unidentified registration worker signing a card when no registrant was seated with her. She also identified two registration cards filled out for the same voter, with different handwriting, that bore Prude's signature.

After rejecting all of Prude's contentions on appeal because they constituted harmless error, her conviction and sentence of 24 months imprisonment were affirmed. See: *United States v. Prude*, 489 F.3d 873 (7th Cir. 2007).

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United States v. Prude

Year	2007
Cite	489 F.3d 873 (7th Cir. 2007)
Level	Court of Appeals
Injunction Status	N/A