

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,	)	No. _____
)	
v.	)	COUNT ONE:
	)	42 U.S.C. § 1973i(c) and
BRIAN GARDNER,	)	18 U.S.C. § 2
[DOB: XX/XX/1966]	)	NMT: 5 years and \$250,000
	)	Class D Felony
Defendant.	)	NMT: 3 years Supervised Release
)	
	)	COUNT TWO:
	)	42 U.S.C. § 1973gg-10 and
	)	18 U.S.C. § 2
	)	NMT: 5 years and \$250,000
	)	Class D Felony
	)	NMT: 3 years Supervised Release
)	
	)	\$100 Special Assessment on each
	)	count.

I N D I C T M E N T

THE GRAND JURY CHARGES THAT:

COUNT ONE

1. At all times material herein:

a. The Board of Election Commissioners for Kansas City, Missouri, receives and processes voter registration applications submitted for the purpose of registering new voters or, if the voter is already registered, for updating the registration information maintained by the Board.

b. Election registration in the State of Missouri is unitary, that is, a registrant registers once to become simultaneously eligible to vote for federal as well as non-federal candidates.

c. On November 7, 2006, an election will be held in Missouri, including in Kansas City and Jackson County, for the

purpose of selecting and electing candidates for federal, state, and local offices. Qualified voters eligible to vote under the laws of the State of Missouri cast ballots for candidates of their preference at these elections.

d. In the general election on November 7, 2006, candidates for members of the United States Senate and House of Representatives will be on the ballot in the State of Missouri.

e. ACORN is a not-for-profit organization, the mission of which is to improve minority and low-income communities.

f. Project Vote is a not-for-profit organization that works with ACORN to register voters for federal and local elections.

g. ACORN and Project Vote recruit and assign workers to visit low-income and minority neighborhoods in Kansas City, Jackson County, Missouri, and elsewhere, to obtain voter registrations. The workers are trained and instructed regarding how to obtain voter registrations and the preparation of voter registration applications, including that the actual voter must sign the voter application and that a forged signature is a violation of the law.

2. In or about late September 2006, at Kansas City, in the Western District of Missouri, the defendant BRIAN GARDNER worked as a voter registration recruiter for ACORN, obtaining voter registrations.

3. On or about September 25, 2006, at Kansas City, in the Western District of Missouri, the defendant BRIAN GARDNER

knowingly and willfully caused to be submitted to the Kansas City Board of Election Commissioners a voter registration application which form falsely stated the name of the voter being registered, to wit, the said defendant caused to be submitted Missouri Voter Registration Application No. 3282572 for XXXX, which was false in that XXXX did not register to vote on or about September 25, 2006; she did not reside at the address shown on the voter registration application; her date of birth is not that shown on the voter registrations; and the signature on the voter registration was not signed by XXXX.

All in violation of Title 42, United States Code, Section 1973i(c), and Title 18 United States Code, Section 2.

COUNT TWO

1. The Grand Jury incorporates paragraphs 1 and 2 of Count One as if fully set forth herein.

2. The qualified voters in the November 7, 2006, election have a right guaranteed by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution to have the aforesaid election officials count their votes and certify elections based on the number of valid ballots cast in the said election by qualified voters.

3. On or about September 25, 2006, at Kansas City, in the Western District of Missouri, the defendant BRIAN GARDNER knowingly and willfully caused to be submitted to the Kansas City Board of Election Commissioners a materially false voter registration application, and thereby attempted to deprive or

defraud the residents of the State of Missouri of a fair and impartially conducted election process, to wit, the said defendant caused to be submitted Missouri Voter Registration Application No. 3282572 for XXXX, which was false in that XXXX did not register to vote on or about September 25, 2006; she did not reside at the address shown on the voter registration application; her date of birth is not that shown on the voter registrations; and the signature on the voter registration was not signed by XXXX.

All in violation of Title 42, United States Code, Section 1973gg-10, and Title 18, United States Code, Section 2.

A TRUE BILL

FOREPERSON OF THE GRAND JURY

Linda Parker Marshall #24954
Assistant United States Attorney

Dated: _____