

JUN 08 2017

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IN THE
UNITED STATES MAGISTRATE COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

Case No.: 5:17cr00017

v.

ANDREW SPIELES

STATEMENT OF FACTS

This Statement of Facts briefly summarizes the facts and circumstances surrounding the defendant's criminal conduct at issue in this case. It does not necessarily contain all of the information obtained during the investigation.

This statement of facts is not protected by proffer agreement, and shall be wholly admissible at trial if the defendant does not plead guilty to the offenses outlined below, notwithstanding any Rules to the contrary, including but not limited to, Federal Rules of Evidence 408 and 410, and Federal Rule of Criminal Procedure 11.

If this matter were to proceed to trial, the United States of America would prove, by relevant and admissible evidence, beyond a reasonable doubt the following:

Andrew J. Spieles, in connection with the November 8, 2016, national election, caused 18 fraudulent Virginia voter registration forms to be submitted to the Harrisonburg, Virginia Registrar's Office, to Harrisonburg Votes, and to the Virginia Democratic Party.

The procedure by which a person can submit a registration form to the Harrisonburg, Virginia Registrar's Office for a third party is as follows. The "registering person" obtains the voter registration forms from the Registrar's Office and conveys a form to a "registrant" (the person wishing to register to vote), who completes the top part of the form, which has mandatory fields for first, middle, and last name; date of birth; social security number; and U.S. citizenship, and optional fields for telephone number and email address. The form is to be signed by the registrant and given back to the registering person. The registering person would sign and date the bottom of the form, tear it off, and give it to the registrant as a receipt. In the event the registering person failed to deliver the registration form to the Registrar, this receipt could be shown, along with identification, on election day to allow the registrant to vote. The registering person has ten days to return the registration forms to the Registrar's office or face criminal charges.

On February 8, 2016, prior to engaging in the voter registration drives detailed below, Andrew Spieles executed a Virginia Department of Elections Officer of Elections Response to Notice of Appointment form, wherein, he affirmed to the Electoral Board of the City of Harrisonburg that he would "support the Constitution of the United States, and the Constitution of the Commonwealth of Virginia. . ." Additionally, he agreed that he would, "return all completed applications within ten days of receipt as required by federal law or before the close of voter registration, whichever is sooner" and that he would "also return all unused applications to ANY Virginia Voter Registration office or the Virginia Department of Elections."

Spieles, a student at James Madison University, had been working to register voters in Harrisonburg since October 2015. In early 2016, he worked on Democratic primary voter registration drives. Spieles worked primarily with another individual (Witness #1) in January and February, registering over 2000 people. In April 2016, Spieles began registering voters for the New VA Majority group, receiving \$150 compensation. Spieles would fill out voter registration forms with individuals wishing to register to vote and would take the completed forms to Witness #1's office. Witness #1, or another individual, would then submit the forms to the Registrar's Office.

In early July 2016 Spieles began working for Harrisonburg Votes (a Democratic-affiliated political organization) for \$350 per week. His job was to register as many people as possible. While working for Harrisonburg Votes, he reported to the Democratic Campaign headquarters in Harrisonburg. In July and August 2016, while Spieles was working for Harrisonburg Votes, he was directed to combine his registration numbers with those of another individual because their respective territories overlapped. After filling out a voter registration form for a voter, Spieles (or another individual) would enter the information into the VAN system, the tracking software used by the Virginia Democratic Party, which tracked information such as name, age, address, and political affiliation. Spieles knew that every Thursday, the hard copy registration forms would be hand-delivered by an employee/volunteer to the Registrar's Office in Harrisonburg.

On August 15, 2016, Witness #2, General Registrar for Harrisonburg, advised investigating officers that the Office's Assistants had discovered irregularities in recent voter registration forms submitted to the office. The Registrar's office first became aware of an irregularity when an Assistant, Witness #3, recognized the name on one of the registrations delivered on August 4 as belonging to the deceased father of a Rockingham County Judge. The Registrar's office called the named individual's family and confirmed that the named individual was deceased and that no one else with that name lived at the address listed on the registration form. The Registrar's office discovered other fraudulent registration forms when another Assistant, Witness #4, based on her acquaintance with the ex-wife of the purported registrant, noticed an irregularity with a registrant's name. Witness #4 called the purported registrant's ex-wife and family members, who advised that the name listed had the incorrect middle name, birth date, and social security number and that no one had come to the registrant's house to register people to vote. Witness #4 was thereby able to confirm that the registration form for that

registrant was fraudulent. Some of the other fraudulent registration forms listed names of deceased people, while others had incorrect social security numbers, middle names, or dates of birth, and some had transferred out of state.

Absent the Assistants' personal familiarity with certain names on the fraudulent documents, the fraud would not have been detected because the Registrar's office does not check the validity of voter registration applications. The role of the Registrar's office was to check the registration forms to ensure they were filled out correctly. In the event a mandatory portion was left blank or incorrectly filled out, the Registrar's office would contact the registrant to provide a remedial method for the citizen to register. There was no procedure or policy in place for the Registrar's office to verify the content of the registration forms except through felon and death reports. The Registrar's office did not have the authority to dismiss registration forms based on false content.

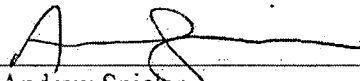
Investigating officers were further advised that there is no current entity that verifies the validity of Virginia voter registration forms.

On August 15, 2016, when Harrisonburg Votes was informed about a Harrisonburg Police Department investigation into fraudulent registration forms, Spieles suggested privately to Witness #1 that another employee had probably submitted the fraudulent forms. The following day, on August 16, Spieles admitted to Witness #1 that he had submitted the fraudulent forms. On the same day, Harrisonburg Votes fired Spieles. On August 17, Witness #1's attorney informed investigating officers of statements made by Spieles to Witness #1.

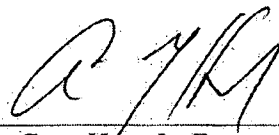
On August 24, 2016, Spieles, in the presence of his attorney, admitted to investigating officers that he had falsified voter registration forms on August 1, 2016, by creating fictitious voter information using information from "walk sheets" that he had received. Walk sheets, which contained a geographical snapshot of a portion of a neighborhood, were generated by the VAN system, with information entered by the Virginia Democratic Party that include a resident's name, age, and address. Spieles stated that he fabricated registration forms by using the name and address from the walk sheets, creating a birth year by calculating backwards from the age listed on the walk sheet, randomly picking a month and day for the birthday, and created fictitious social security numbers. Spieles stated that he fabricated all 18 forms himself and that no one else had participated in preparing the fraudulent Virginia voter registration forms. Another Harrisonburg Votes employee/volunteer, not Spieles, delivered the fraudulent voter registration forms to the Registrar's Office. Spieles stated that he created the fraudulent registrations to help another employee with his/her numbers because he/she had a quota. Spieles stated that he had done well getting registrations back in January and February but poorly in July and August and wanted to redeem himself by performing better. Spieles stated that his intent was only to have the registrations go into the VAN system and not to the Registrar. Nevertheless, Spieles was aware that it was the practice of Harrisonburg Votes to regularly deliver the voter registration forms to the Registrar's office.

I have reviewed the above Statement of Facts with my attorney, and I agree that it is true and accurate. I agree that had this matter proceeded to trial, the United States would have presented evidence of the facts outlined above. I further agree that the above facts are sufficient to convict me of the offenses to which I am pleading guilty.

5/22/17
Date


Andrew Spieles
Defendant

5/22/17
Date


A. Gene Hart, Jr. Esq.
Attorney for Defendant