



**SPECIAL REPORT**

# **NOT IN KANSAS ANYMORE**

**BEHIND KRIS KOBACH'S RADICAL PUSH  
TO EXPAND VOTER SUPPRESSION**



**MARCH 2016**



## SPECIAL REPORT

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### **Not in Kansas Anymore** **Behind Kris Kobach's Radical Push to Expand Voter Suppression**

Voting is a fundamental right and a cornerstone of American democracy. The United States has progressed far from the days where women, African Americans, and other communities of color were prohibited from voting - and the country has benefitted accordingly. But despite monumental progress and increased protections for voters in the modern era, there remains a movement aimed at assaulting voting rights, largely motivated by partisan goals to disenfranchise minority voters and driven by anti-immigrant, nationalistic sentiments that serve to divide rather than strengthen the country.

Leading this attack is Kansas Secretary of State Kris Kobach, an anti-immigration activist, attorney, and conservative talk radio host who has expressed fear that President Obama's actions on immigration could lead to "ethnic cleansing."<sup>1</sup> He has spent his career drafting and defending anti-immigrant legislation, including measures that would prevent undocumented immigrants from renting homes.<sup>2</sup> In his home state, Kobach has used his position as chief elections officer to complicate restrictions on voter registration, asserting that undocumented immigrants are fraudulently voting en masse, a claim that has never been proven. Most recently, he served as the architect of new, onerous legislation that forces Kansas residents to show documentation of U.S. citizenship after completing their voter registration-- an unnecessary burden for many people who are eligible to vote in Kansas, especially low-income residents and senior citizens who may have difficulty gathering the necessary documentation and often bear the brunt of such restrictions.

This report details Kobach's evolving role in dismantling voting rights in Kansas and the underlying extreme ideological motivations beyond his systematic approach to voter disenfranchisement. It also outlines the dangerous ramifications of a recent decision from Kobach ally Brian Newby, the director of the U.S. Election Assistance Commission (EAC), an independent federal agency charged with election administration. At Kobach's request, Newby unilaterally changed federal voter registration requirements earlier this year, prohibiting voters in Kansas, Alabama, and Georgia from registering to vote using a federal form without providing proof of citizenship.<sup>3</sup> Newby granted this request despite the fact that Kobach had already tried unsuccessfully to force the EAC to change the policy, was ruled against in federal court, and denied a hearing by the U.S. Supreme Court.<sup>4</sup> With Newby's assistance, Kobach's polarizing and extreme right-wing agenda is being legitimized by a supposedly neutral government agency. Instead of upholding the right to vote, as the EAC is expected to do, it is helping to undermine that fundamental right and advance Kobach's radical voter suppression agenda.

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<sup>1</sup> Paul Waldman, "Happy Hour Roundup," *The Plum Line* (blog), *Washington Post*, November 20, 2014.

<sup>2</sup> Virginia Young, "Bill Would Block Illegal Immigrants in Hiring, Renting," *St. Louis (MO) Post-Dispatch*, January 24, 2007.

<sup>3</sup> Roxana Hegeman, "U.S. Official Requires Citizenship Proof in 3 States," *Associated Press State & Local Wire*, February 4, 2016.

<sup>4</sup> "U.S. Supreme Court Won't Review Kansas, Arizona Voter Registration Appeal, Leaving in Place Two-tier Voting System," *Topeka (KS) Capital-Journal*, June 29, 2015.

## **Kobach's Extremist Ideology and Ugly Partisanship**

Throughout his years as a conservative talk radio host and Kansas elected official, Kris Kobach has made offensive anti-immigrant comments and shown explicit political motivations for implementing proof-of-citizenship requirements for voter registration. Kobach has said that “illegal immigration and election fraud are turning the country into a socialist republic,” and that “illegal immigration is perpetuating a liberal agenda because immigrants, who are at the bottom in income earnings, are ‘a dependency class’ that tends to vote for expansion of welfare services.” He also stated, “Voter fraud is also ‘forcing the socialist yoke on the American public’ because it ensures Democrats win every close election.”<sup>5</sup>

Kobach's political motivations for his attack on voting rights are highlighted by his lack of respect for voters. After his proof-of-citizenship legislation prevented thousands of Kansas residents from registering to vote, consigning registrations to limbo when residents did not submit citizenship documentation after filling out their registration forms. Kobach brushed off criticism of his legislation. Instead, he blamed Kansans for not completing the registration process by submitting additional documentation, calling them “procrastinators” and “mostly casual registrants, many of whom do not intend to vote.”<sup>6</sup> Earlier in his career, as chair of the Kansas Republican Party in 2007, Kobach even bragged about suppressing voting through use of a technique known as “caging” to challenge voters' registrations (usually on the basis of returned mail) and purge registered voters from the voter rolls.<sup>7</sup>

Kobach has received significant financial support from groups linked to extreme and racist anti-immigrant ideology. His 2004 congressional campaign received \$10,000 in contributions from the U.S. Immigration Reform PAC, which is “a political action committee that has leadership linked with efforts to prove black people and other racial minorities are genetically inferior and who claim immigrants cause sprawl, AIDS and leprosy.” Despite his long history of promoting anti-immigrant and racially-tinged conspiracies and rhetoric, Kobach claimed he “didn't realize the PAC was tied to these diatribes and said, ‘I have no sympathy with anyone who is anti-immigrant, period.’”<sup>8</sup>

Underscoring his obsessive focus on undocumented immigrants, Kobach has also been an outspoken critic of the Obama Administration's immigration policies, and displayed a particularly personal and vicious animus toward the President himself, wondering aloud if “affirmative action culture just lavished praise upon him” rendering him “mentally incapable.”<sup>9</sup> Kobach has said President Obama has “radical, Marxist points of view” and thinks “Obama and his cohorts are conspiring against the American people.”<sup>10</sup>

Additionally, Kobach has used his platform as a conservative talk radio show host to play to the conspiracy-driven fears of his listeners. He chided the President for intentionally inflaming race relations, saying, “Barack Obama missed the opportunity to repair race relations, and instead he exacerbated. He picked at the scab. He scraped to try and make race relations worse.”<sup>11</sup> When a caller on Kobach's radio show said he could envision word coming

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<sup>5</sup> Ryan D. Wilson, “Secretary of State Candidate Promises Change in Election Law Enforcement to Fight Illegal Immigration, Fraud,” *Clay Center (KS) Dispatch*, March 1, 2010.

<sup>6</sup> Right Wing Watch, “RWW News: Kris Kobach Mocks 19,000 Kansas Voters with Suspended Registrations,” YouTube video, 1:20, posted March 20, 2014, <https://youtu.be/131g2pLfgQ>; and “The Dishonesty of Voter ID Laws,” *New York Times*, editorial, October 1, 2013, late edition.

<sup>7</sup> Scott Rothschild, “Democrats Accuse GOP of Vote ‘Caging,’” *Lawrence (KS) Journal-World*, December 27, 2007; and Kansas Republican Party, “Republican Party Year in Review,” December 26, 2007, [https://web.archive.org/web/20110520110540/http://bp2.blogger.com/\\_UoVMkLkFwul/R2sEoJ25VJI/AAAAAAAAACc/laY4jMhw98Q/s1600-h/caging.jpg](https://web.archive.org/web/20110520110540/http://bp2.blogger.com/_UoVMkLkFwul/R2sEoJ25VJI/AAAAAAAAACc/laY4jMhw98Q/s1600-h/caging.jpg). Also see “Voter Caging,” Project Vote website, accessed March 8, 2016, <http://www.projectvote.org/issues/list-maintenance/voter-caging/>.

<sup>8</sup> Mary Sanchez, “Candidate Kobach Should Choose Friends Carefully,” *The Kansas City (MO) Star*, June 8, 2004.

<sup>9</sup> *The Kris Kobach Show*, KMCO, November 16, 2014.

<sup>10</sup> *Ibid.*, July 7, 2013; and *Ibid.*, November 16, 2014.

<sup>11</sup> *Ibid.*, December 7, 2014.

down from Obama “that there just won’t be any prosecution of black criminals,” Kobach responded, in part, “I’ve learned to say with this president, never say never.”<sup>12</sup>

It is this fringe political ideology that Kobach brought with him to the office of Kansas Secretary of State in 2011.

*\*A more complete compendium of Kobach’s vitriolic and extreme comments about President Obama, immigration, and other issues are detailed in Appendix A.*

## **Kobach Pushes Radical Agenda as Kansas Secretary of State**

Kris Kobach has made a career out of attacking voting rights and spouting anti-immigration rhetoric. Increasingly, he has made it his goal to influence policy not only in his home state of Kansas but also around the country.

But even prior to Kobach’s most recent efforts to stifle voting, he pushed the boundaries of his position as Kansas Secretary of State while engaging in a profitable private practice, subsidizing his income as a public official.<sup>13</sup> In addition to hosting a conservative talk radio show where he regularly makes offensive statements about President Obama, undocumented immigrants, and others, Kobach, an attorney, has written and defended ordinances and legislation in locales around the country to “discourage businesses from hiring illegal immigrants or renting housing to them.”<sup>14</sup> He helped write Arizona’s infamous Senate Bill 1070, which made it “a state crime to be in the country illegally.”<sup>15</sup> And Kobach also “helped train the officers of Arizona’s loathsome Sheriff Joe Arpaio in immigration enforcement strategies,” undoubtedly contributing to the U.S. Department of Justice later ruling that Arpaio’s “department created ‘a pervasive culture of discriminatory bias against Latinos’ and revoked its authority to conduct immigration screenings.”<sup>16</sup>

When he ran for Kansas Secretary of State in 2010, Kobach consistently articulated his desire to eliminate voter fraud. Kobach stated, “In Kansas, the illegal registration of alien voters has become pervasive,”<sup>17</sup> and argued that the voter registration system “of checking a box that says you’re a U.S. citizen is too trusting,”<sup>18</sup> He recommended that Kansans prove their U.S. citizenship before being allowed to register to vote. Although Kobach has made many statements about the extent of voter fraud in the state of Kansas and beyond, his claims have been largely unsubstantiated.<sup>19</sup>

After his election, Kobach turned the traditionally innocuous office of Kansas Secretary of State into a tool to introduce highly partisan, agenda-driven legislation. Shortly after Kobach was elected, he introduced the so-called Secure and Fair Elections (SAFE) Act, which was passed and signed into law in 2011, requiring “newly-registered Kansas voters... [to] prove U.S. citizenship when registering to vote,” and demanding that “voters must show photographic identification when casting a vote in person.”<sup>20</sup> In effect, the SAFE Act made voter registration and the act of voting more difficult.

According to the Brennan Center, many citizens do not have birth certificates to prove their citizenship. For example, Native Americans who were born on reservations or senior citizens who were not born in hospitals may never have been issued birth certificates; while others, such as victims of natural disasters, may have had

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<sup>12</sup> Ibid., March 1, 2015.

<sup>13</sup> Jonathan Shorman, “Kobach, Schodorf Trade Barbs in Topeka Debate,” *Topeka (KS) Capital-Journal*, October 23, 2014.

<sup>14</sup> Virginia Young, “Bill Would Block Illegal Immigrants in Hiring, Renting,” *St. Louis (MO) Post-Dispatch*, January 24, 2007.

<sup>15</sup> Alia Beard Rau and JJ Hensley, “Police Weighing Arizona’s Immigration Bill’s Impact,” *Arizona Republic*, April 22, 2010.

<sup>16</sup> Suzy Khimm, “Kris Kobach, Nativist Son,” *Mother Jones*, March/April 2012, <http://www.motherjones.com/politics/2012/03/kris-kobach-anti-immigration-laws-sb-1070>.

<sup>17</sup> Dion Lefler, “Candidate Kobach Claims Widespread Voter Fraud,” *The Wichita (KS) Eagle*, May 26, 2009.

<sup>18</sup> Ryan D. Wilson, “Secretary of State Candidate Promises Change in Election Law Enforcement to Fight Illegal Immigration, Fraud,” *Clay Center (KS) Dispatch*, March 1, 2010.

<sup>19</sup> “The Dishonesty of Voter ID Laws,” editorial, *New York Times*, October 1, 2013, late edition.

<sup>20</sup> Kris Kobach, “Bill Secures Integrity of Kansas Elections,” *Dodge City (KS) Daily Globe*, April 5, 2011.

documents destroyed. For those citizens, obtaining documentation to prove citizenship “is an expensive and time-consuming process” and is especially difficult for low-income individuals. Processing times for new documents may be “as long as a year - during which time an eligible citizen would be deprived of her right to vote.”<sup>21</sup> After Kobach implemented the SAFE Act, more than 17,000 Kansans were put on a “suspense list” and prevented from voting because they did not provide proof of citizenship.<sup>22</sup>

Despite his obsession with increasing regulations for ordinary Americans when it comes to election laws, Kobach has a long history of flouting election laws during his own career. He went years without filing legally required campaign finance reports for his failed 2004 congressional campaign.<sup>23</sup> While he was chair of the Kansas Republican Party, investigations by the Federal Election Commission (FEC) “revealed the state party accepted illegal contributions and failed to pay both state and federal taxes.”<sup>24</sup> Additionally, an FEC audit determined that when Kobach was the chair, the state party committed numerous campaign finance violations, including overstating “contributions it had received in 2008 by almost 39 percent.”<sup>25</sup> Kobach brushed off the severity of the party’s campaign finance violations, dismissing the problems as “technical.”<sup>26</sup>

### **Kobach’s Proof-of-Citizenship Law: A New Tactic in Voter Suppression**

Kris Kobach’s proof-of-citizenship law in Kansas has been the subject of significant criticism and backlash,<sup>27</sup> prompting speculation about whether Kobach is indeed acting in the interest of fair elections, or if instead he is engaged in a systematic effort to make voting more difficult for citizens who disagree with his ideology. Most recently, the American Civil Liberties Union (ACLU) filed a lawsuit challenging Kobach’s voter registration law, arguing that it violates federal law that states registrants are not required to show documentation of their citizenship. Kobach promptly responded by calling the ACLU “communists” for challenging his proof-of-citizenship requirements.<sup>28</sup>

Despite claims that voter fraud plays a dangerous role in Kansas elections, Kobach’s proof and prosecutions of such incidents have been minimal but have nonetheless wreaked havoc on the state’s voter rolls. Even according to a study from the conservative advocacy group True the Vote, only one percent of the people on Kansas’ suspended voter registration list of roughly 25,000 people are verified noncitizens.<sup>29</sup>

As if Kobach’s recent success in increasing voting barriers for Kansans was not harrowing enough, unfortunately for the rest of America, what happens in Kansas does not stay in Kansas. A recent decision by the director of the commission in charge of maintaining the federal voter registration form, the U.S. Election Assistance Commission (EAC), has brought the discourse over proof-of-citizenship requirements into the national spotlight, essentially legitimizing arguments against voting rights raised by extremists like Kobach.

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<sup>21</sup> “Policy Brief on Proof of Citizenship,” Brennan Center for Justice website, accessed March 8, 2016, <http://www.brennancenter.org/analysis/policy-brief-proof-citizenship>.

<sup>22</sup> “Dishonesty of Voter ID Laws,” editorial, *New York Times*, October 1, 2013, late edition.

<sup>23</sup> “Kansas Elections Official Has Notices from FEC,” *Associated Press State & Local Wire*, February 19, 2011.

<sup>24</sup> Chapman Rackaway, “Kansas GOP took clear step to the right in primaries,” *The Leavenworth (KS) Times*, August 12, 2010.

<sup>25</sup> John Hanna, “Final FEC Audit Notes Violations by Kansas GOP,” *Associated Press State & Local Wire*, June 9, 2011.

<sup>26</sup> John Milburn, “Kobach 2010 Campaign Fines \$5K,” *Associated Press State & Local Wire*, October 26, 2011.

<sup>27</sup> Tierney Sneed, “Thwarted by the Courts, Kris Kobach Finds Yet Another Way to Restrict Voting,” *Muckraker*, Talking Points Memo, February 12, 2016, <http://talkingpointsmemo.com/muckraker/kobach-proof-of-citizenship>.

<sup>28</sup> Peter Hancock, “Kansas Republicans Hold to Hard-right Stance; ACLU and League of Women Voters ‘Communists,’ Kobach Says,” *Lawrence (KS) Journal-World*, February 20, 2016.

<sup>29</sup> Jonathan Shorman, “Kobach Defends Suspended Voter List; Study Shows 59 Percent on List Are Eligible to Vote,” *Topeka Capital-Journal*, January 25, 2015.

## **Brian Newby and the Election Assistance Commission: Legitimizing Kobach's Agenda**

On January 29, 2016, Brian Newby, executive director of the EAC, essentially legitimized arguments against voting rights raised by extremists like Kobach by unilaterally deciding that residents in three states--Kansas, Alabama, and Georgia--would have to submit proof-of-citizenship documentation in addition to filling out the federal voter registration form.

Despite Kobach's single-minded pursuit of advancing strategies to make voting more burdensome, without this assistance from Newby on the federal level, his policies would likely stand little chance of national legitimacy.

Newby had only been director the EAC for a couple months before issuing the proof-of-citizenship requirement that would disenfranchise residents of three states. Before assuming this new position, Newby served as a county election commissioner in Kansas, a position he was appointed to by none other than Kansas Secretary of State Kris Kobach, who had also appointed Newby to a task force to assist with the implementation of his proof-of-citizenship law in 2011.<sup>30</sup> Newby had written that he was "extremely proud to be affiliated" with Kobach and wrote that Kobach's words made him "kind of misty" when Kobach reappointed him as Johnson County Election Commissioner.<sup>31</sup> In his new position as head of the EAC, Newby explained his decision was prompted by Kobach's request to the EAC to change the policy on citizenship requirements.<sup>32</sup>

Kobach had already tried and failed to force EAC officials to require proof-of-citizenship for voter registrations. Last year, the U.S. Supreme Court refused to hear Kobach's appeal of a lower court ruling that said that federal election officials did not have to help enforce Kansas and Arizona's laws requiring voters to submit proof-of-citizenship documentation.<sup>33</sup> Just this January, a Kansas judge ruled against Kobach's plan to create a two-tier voting system that would prevent Kansans who registered with the federal form to vote in state or local elections without showing proof of citizenship.<sup>34</sup>

Despite these defeats, Kobach reached out to the EAC the same month Newby started working there, asking, in a November 2015 letter, that the Commission require additional citizenship documentation with the federal voter registration form. After settling into his new position with the EAC, Newby wasted little time in executing Kobach's wishes and even admitted he made the proof-of-citizenship decision because of Kobach's request.<sup>35</sup>

There was immediate backlash against Newby's decision allowing certain states to effectively modify the federal voter registration forms and require proof of citizenship. Two weeks after Newby's unauthorized decision at the EAC, a coalition of voting rights groups, including the League of Women Voters, Project Vote, and the Georgia State Conference of the NAACP, filed suit contending that Newby's action will deprive voters of the right to vote and seeking a court order to block the changes to federal vote registration. One EAC commissioner even spoke out against Newby's decision, arguing that Newby was required to consult with the commissioners and the general public before making such a far-reaching policy decision.<sup>36</sup>

In their lawsuit challenging the decision, the plaintiffs note that Newby greatly overstepped his authority by issuing a unilateral decision on providing citizenship documentation for federal voter registration.<sup>37</sup> Newby even

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<sup>30</sup> Kobach, Kris, "Letter: Task force chosen for voting act," *Leavenworth (KS) Times*, July 15, 2011.

<sup>31</sup> Brian Newby, "I Give You MINI ME (OC)," *Election Diary* (blog), May 10, 2015, <http://electiondiary-briandnewby.blogspot.com/2015/05/i-give-you-mini-me-oc.html>; and Brian Newby, "Raise Your Hand," *Election Diary* (blog), August 27, 2014, <http://electiondiary-briandnewby.blogspot.com/2014/08/raise-your-hand.html>

<sup>32</sup> Roxanna Hegeman, "U.S. Official Requires Citizenship Proof in 3 States," *Associated Press State & Local Wire*, February 4, 2016.

<sup>33</sup> "U.S. Supreme Court Won't Review Kansas, Arizona Voter Registration Appeal," *Topeka (KS) Capital-Journal*.

<sup>34</sup> Edward M. Eveld, "Judge Rules Kris Kobach Can't Operate Two-tier Election System in Kansas," *Kansas City (MO) Star*, January 15, 2016.

<sup>35</sup> Roxana Hegeman, "U.S. Official Requires Citizenship Proof in 3 States," *Associated Press State & Local Wire*, February 4, 2016.

<sup>36</sup> Ibid.

<sup>37</sup> League of Women Voters v. Newby Complaint, 2/12/16



acknowledged that policy decisions fell beyond the scope of his authority, but insisted that this specific decision was “a routine administrative action,”<sup>38</sup> instead of what it clearly was: a substantive policy change that one EAC employee did not have license to unilaterally dictate.

In the wake of Newby’s decision, two separate lawsuits were filed challenging the legality of requiring residents to show documentation proving US citizenship to register to vote. In February 2016, the American Civil Liberties Union (ACLU) filed a class-action federal lawsuit on behalf of six Kansans, challenging Kobach’s proof-of-citizenship requirements in Kansas. The plaintiffs “argue that the Kansas law violated the National Voter Registration Act of 1993, in particular a provision that requires states to allow people to register to vote when they get a driver’s license . . . [that] says that registrants need only to attest that they are citizens, under the threat of perjury if they lie.”<sup>39</sup>

A second lawsuit filed after Newby issued his controversial EAC decision was brought by “a coalition of voting rights groups,” including the League of Women Voters, Project Vote, and the Georgia State Conference of the NAACP. The federal lawsuit contends that Newby’s action “will hurt voter registration drives and deprive eligible voters of the right to vote in the presidential primary elections” and “seeks a court order immediately blocking the changes to the federal voter registration form.”<sup>40</sup>

Even the U.S. Department of Justice has come out against Newby’s decision and said that it would not defend it against the lawsuit filed by the voting rights groups.<sup>41</sup> The Department of Justice said that “because the proof of citizenship requirement violates federal voting law, Newby’s decision was ‘not consistent with the statute’ and ‘contrary to governing law.’”<sup>42</sup>

In the meantime, as litigation moves forward, Newby’s unilateral decision to advance the work of his ally Kris Kobach could create significant barriers for voters in Kansas, Alabama, and Georgia.

## **Conclusion**

Kris Kobach’s recent attacks on democracy in Kansas should be more than enough to sound the alarm that the movement to deny suffrage to minority voters is far from a relic of the past. While cloaked in euphemistic language and new “proof-of-citizenship” tactics, Kobach’s efforts ultimately amount to little more than a thinly veiled attack on voters’ abilities to participate in a representative democracy.

Alone, Kobach’s actions are a significant affront to democracy in Kansas; but with the assistance of the U.S. Election Assistance Commission and its director, Brian Newby, they represent an even more dangerous and methodological approach to deny thousands of people the right to participate in their government. As the legal actions against Kobach and Newby move forward, it is vital that their partisan attempts to suppress the vote are exposed and stamped out permanently.

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<sup>38</sup> Roxana Hegeman, “U.S. Official Requires Citizenship Proof in 3 States,” *Associated Press State & Local Wire*, February 4, 2016.

<sup>39</sup> John Eligon, “A.C.L.U. Challenges Kansas Voter Law Requiring Proof of Citizenship,” *New York Times*, February 18, 2016.

<sup>40</sup> Roxana Hegeman, “Voting Rights Groups Sue Federal Election Official,” *Associated Press State & Local Wire*, February 13, 2016.

<sup>41</sup> Peter Hancock, “Justice Department: Agency Cannot Require Proof of Citizenship on Federal Voter Registration Forms,” *Lawrence (KS) Journal-World*, February 22, 2016.

<sup>42</sup> Zachary Roth, “Department of Justice Disowns EAC Director’s Move on Proof of Citizenship for Voters,” *MSNBC*, February 22, 2016

# APPENDIX A: ADDITIONAL BACKGROUND ON KOBACH

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### **Kris Kobach on President Obama**

**Kobach Thinks Obama “Got Into Harvard Law Despite Not Being That Impressive of a Student” Because of Affirmative Action.**

**He Wondered on His Radio Show If “the Affirmative Action Culture [That] Just Lavished Praise Upon Him” Rendered Him “Mentally Incapable.”**

A caller on Kris Kobach’s radio show, in 2014, said President Obama is “mentally incapable. I think it’s rendered him somewhat handicapped in his ability to process things.” Kris Kobach responded, “You know, I wonder if it goes all the way back to his upbringing. And I’m thinking more in terms of college and law school where the affirmative action culture just lavished praise upon him. And he could do no wrong. And he got into Harvard Law despite not being that impressive of a student.” [*The Kris Kobach Show*, KMCO, November 16, 2014.]

**When a Caller on His Radio Show Implied That President Obama Is as Crazy as Hitler, Kobach Did Not Dispute the Implication.**

A caller on Kris Kobach’s radio show, in 2013, told a story about Adolf Hitler’s photographer seeing Hitler “behaving, sort of behind the scenes” and “literally acting like he was nuts. I mean, you could tell that he was crazy.” The caller then said, “I can only imagine how President Barack Obama is acting behind the scenes. I can see him acting just like the way Hitler did behind the scenes that nobody sees, you know, literally nuts.” Kris Kobach responded, “interesting question, I have no idea.” [*The Kris Kobach Show*, KMCO, August 4, 2013.]

**When a Caller on His Radio Show Called Obama “a Spoiled Little Brat” Who Is “Worse than the Former Chancellor of Germany,” Kobach Said the Caller Made “Very Good Points.”**

A caller on Kris Kobach’s radio show, in 2013, said President “Obama dictates out of fear,” is “worse than the former chancellor of Germany,” and is “a spoiled little brat.” Kobach responded, “Thank you for the comments, Jeff. Thank you for the call. Very good points.” [*The Kris Kobach Show*, KMCO, November 10, 2013.]



**Kobach Agreed With a Caller on His Radio Show Who Said, “The Same Mentality That’s on the Left Right Now Was the Same Mentality in the 1930s That Were Supporting Hitler and Mussolini, and Stalin.”**

When a caller on Kris Kobach’s radio show, in 2014, said, “The same mentality that’s on the left right now was the same mentality in the 1930s that were supporting Hitler and Mussolini, and Stalin, and all that. They all think emotionally.” Kris Kobach responded, “Yup,” and leaders on the left “count on their ability to move the masses by deceiving them.” He continued, “that is what the left does over and over again today.” [*The Kris Kobach Show*, KMCO, November 23, 2014.]

**Kobach Laughed and Did Not Disagree With a Caller on His Radio Show Who Said Appointing Kathleen Sebelius As Secretary of Health and Human Services Is “like Putting Dr. Mengele As Gynecologist at a Jewish Women’s College.”**

A caller on Kris Kobach’s radio show, in 2013, said appointing Kathleen Sebelius as secretary of the U.S. Department of Health and Human Services is “like putting Dr. Mengele as gynecologist at a Jewish women’s college.” Kris Kobach laughed and said, “Yeah.” [*The Kris Kobach Show*, KMCO, October 20, 2013.]

**Kobach Thinks “God Allows the Bad Guy to Take Power As a Way [to Chastise] the Faithful.”**

A caller on Kris Kobach’s radio show, in 2013, asked why God allowed Todd Akin to be beaten by Senator Claire McCaskill. Kobach responded, “God allows the bad guy to take power as a way [to chastise] the faithful.” [*The Kris Kobach Show*, KMCO, December 1, 2013.]

**Kobach Agreed With a Caller Who Said “I’m Convinced” Obama “Is Somewhere between an Evil Bully Who Pulls Wings Off Flies and Someone Who Really Wants to See the Whole World Thrown Into a Biblical Degree of Cataclysm.”**

When a caller on Kris Kobach’s show in 2015 said, “I’m convinced” President Obama is “somewhere between an evil bully who pulls wings off flies and someone who really wants to see the whole world thrown into a biblical degree of cataclysm,” Kobach responded, “Well put.” [*The Kris Kobach Show*, KMCO, January 18, 2015.]

**Kobach Thinks Obama Is a “Textbook, Self-Absorbed Narcissist” Who Has Socialist, “Radical, Marxist Points of View,” and “Was a Saul Alinsky-ite Agitator All Through His Career.” He Thinks “Obama and His Cohorts Are Conspiring Against the American People.”**

Kris Kobach, in 2013, said President Obama has “radical, Marxist points of view.” [*The Kris Kobach Show*, KMCO, July 7, 2013.]

Kris Kobach, in 2014, said President Obama has a “liberal, socialist, radical agenda,” and that he thinks “Obama and his cohorts are conspiring against the American people.” [*The Kris Kobach Show*, KMCO, November 16, 2014.]

Kris Kobach, in 2013, said President “Obama was a Saul Alinsky-ite agitator all through his career.” [*The Kris Kobach Show*, KMCO, August 11, 2013.]

A caller on Kris Kobach’s radio show, in 2014, said President Obama is “by far the most textbook, self-absorbed narcissist I have ever seen,” and he is “not capable of ever interpreting anything as to have a poor reflection on him.” Kris Kobach responded, “I think you may have hit the nail on the head. You know, that’s a brilliant point.” [*The Kris Kobach Show*, KMCO, November 16, 2014.]

**Kobach Agrees With 2016: *Obama's America*, Which Is “a Work of Propaganda” That “Accuses the President of Sharing the Anti-Colonialist Doctrine of His Father . . . and of Planning to Weaken and Impoverish the United States in Furtherance of That Doctrine.”**

Dinesh D’Souza’s 2012 documentary, *2016: Obama’s America*, is “a work of propaganda” that “accuses the President of sharing the anti-colonialist doctrine of his father, Barack Obama Sr., and of planning to weaken and impoverish the United States in furtherance of that doctrine.” [Richard Brody, review of *2016: Obama’s America*, Directed by Dinesh D’Souza and John Sullivan, *The New Yorker*, September 1, 2012, <http://www.newyorker.com/culture/richard-brody/dinesh-dsouzas-2016-obamas-america>.]

When a caller on Kris Kobach’s show in 2015 said the reason Secretary of State John Kerry took James Taylor to France after the attack on *Charlie Hebdo* was to reduce the United States in the eyes of the French and “rub salt in their wounds,” Kobach responded, “Well certainly, we no longer stand as tall in the eyes of the French looking at the United States.” Kobach continued, “It’s a plausible argument,” and “it certainly fits in with the scene of the movie, *2016*, you know, the movie where Obama’s overarching purpose is to weaken America and to take us down from superpower status. We certainly don’t act like a superpower.” [*The Kris Kobach Show*, KMCO, January 18, 2015.]

Kris Kobach, in 2014, said on his radio show that decisions by President Obama “make Dinesh D’Souza’s movie, *2016*, look very, very prescient. Every single thing he does seems to weaken America and strengthen our enemies.” [*The Kris Kobach Show*, KMCO, December 28, 2014.]

**Kobach Called President Obama an “Idiot.”**

Kris Kobach called President Obama “an idiot” on his radio show in early 2015. [*The Kris Kobach Show*, KMCO, February 22, 2015.]

**Kobach Thinks Obama Has “a Sort of Neo-colonialist Sort of Bent to His Worldview, and so He Wants America to Be Knocked Down a Few Pegs.”**

**He Agreed With a Caller Who Said Obama “Does Not Care about This Country.”**

On his radio show in 2014, Kris Kobach said “I agree with the premise of the movie *2016*, which said the president wants to weaken America on the world stage [and] put us in a less superior position, even an inferior position. I think the President does have a sort of neo-colonialist sort of bent to his worldview, and so he wants America to be knocked down a few pegs.” A caller said, “I honestly believe that” President Obama “does not care about this country.” She continued, “it’s almost as if he’s a child and he’s seeing how much he can get away with.” Kobach responded, “Yeah.” [*The Kris Kobach Show*, KMCO, February 9, 2014.]

**Kobach Thinks Obama Is “Lawless” and “Thuggish” and That He Acts “Like a Monarch” and “an Authoritarian.”**

**He Thinks the Obama Administration Is More Lawless Than Watergate, and Repeated Speculation That If Any President Would Try to Impose Martial Law, It Would Be Obama.**

Kris Kobach, in 2013, said President Obama is “lawless” because “he’s not enforcing our immigration laws.” Kobach also said President Obama “is like a monarch, like an authoritarian.” [*The Kris Kobach Show*, KMCO, September 29, 2013.]

Kris Kobach, in 2013, said compared to Watergate and Iran Contra the Obama administration is a whole other “level of lawlessness.” [*The Kris Kobach Show*, KMCO, January 12, 2013.]

Kris Kobach, in 2013, said the Obama administration is “an authoritarian regime.” [*The Kris Kobach Show*, KMCO, January 12, 2013.]

Kris Kobach, in 2013, when referencing a government shutdown, said “the Obama regime is basically trying to hurt us.” It is “a thuggish president that we have right now.” [*The Kris Kobach Show*, KMCO, October 6, 2013.]

A caller on Kris Kobach’s radio show, in 2013, said of the Affordable Care Act and its implementation by the Obama Administration, “they’re probably hoping for an uprising so they can implement martial law,” among other things. Kobach responded, “You’ve mentioned a number of possibilities, but you’re right.” [*The Kris Kobach Show*, KMCO, November 10, 2013.]

When a caller on Kris Kobach’s radio show, in 2013, asked if he thought President Obama could cancel the 2016 election and impose martial law, Kobach replied, “No. It cannot be done, but there are a lot of people who have said, ‘Well this president doesn’t obey the law anyway.’ So if any president in American history would try this, some have speculated that Barack Obama might.” Kobach then speculated that if President Obama tried to enact martial law he wouldn’t succeed because “the military wouldn’t stand for it.” The caller then asked, “But isn’t this the same president who just fired nine generals because they didn’t agree with his policies?” Kobach answered, “Yeah. Very good point.” [*The Kris Kobach Show*, KMCO, November 24, 2013.]

**Kobach Thinks the Obama Administration Tried to Conceal What Happened in Benghazi for Political Reasons and That This Cover-Up Is Worse than Watergate.**

Kris Kobach, in 2013, said the Obama administration deliberately lied about the embassy in Benghazi being attacked by protesters “for political reasons, because they didn’t want to show the United States embassy and a U.S. ambassador killed by an Al Qaeda-affiliate organization in the run-up to a Presidential election.” [*The Kris Kobach Show*, KMCO, August 4, 2013.]

Kris Kobach, in 2014, said the Benghazi “cover-up makes Watergate look like child’s play. And I’m so disappointed that the journalists who were around during Watergate aren’t pointing out just how bad this is, how much worse this is, compared to Watergate.” He branded the cover-up as “ten times worse than Watergate,” and that both were “cover-ups...done for political reasons in the heat of a presidential campaign.” [*The Kris Kobach Show*, KMCO, May 4, 2014.]

**When a Caller to His Radio Show Said the Americans Who Died in Benghazi Were Assassinated by the Obama Administration for Political Reasons, Kobach Said the Caller “May Absolutely Be Right.”**

When a caller on Kris Kobach’s radio show said that Benghazi was a “political assassination” that “came from a political higher-up,” Kobach replied, “There are so many pieces of evidence that suggest that, but on the other hand, why would the White House want this ambassador gone?” The caller said the ambassador was a threat because he “had information about a weapons deal.” Kobach responded, “I’ve heard that theory too,” and “You may be right. You may absolutely be right.” [*The Kris Kobach Show*, KMCO, May 4, 2014.]

**Kobach, in 2013, Supported Shutting Down the Federal Government. He Said He Would Permanently Close the One-fifth of the Federal Government That Was Closed During the Shutdown If It Meant a Few More Pennies in His Pocket in the Form of Lower Gas Prices.**

Kris Kobach, in 2013, said in reference to a proposed federal government shutdown, “I don’t see what the huge problem is with it.” He also said, “I say go through with it, Republicans. Stand firm.” [*The Kris Kobach Show*, KMCO, September 29, 2013.]

When the federal government partially shut down in October 2013 Kris Kobach asked, “Would you be willing to let this 17 percent of the government [that is shut down] just kind of be permanently defunded in order to have fuel prices go cheaper and cheaper? Or at least take the 20 cents we’ve got [from the recent drop in gas prices] and just pocket that? I would.” [*The Kris Kobach Show*, KMCO, October 13, 2013.]

## **Kris Kobach on Obama’s Immigration Record**

### **Kobach, in 2014, “Warned That President Obama’s Executive Actions and General ‘Lawlessness’ on Immigration Could Lead to ‘Ethnic Cleansing.’”**

Kris Kobach, on his radio show in 2014, “warned that President Obama’s executive actions and general ‘lawlessness’ on immigration could lead to ‘ethnic cleansing.’” [Paul Waldman, “Happy Hour Roundup,” *The Plum Line* (blog), *Washington Post*, November 20, 2014.]

Kris Kobach, on his radio program, “said the rule of law protects against ethnic cleansing and that President Barack Obama disregards the law when it suits his interests.” He said that he usually would say “‘of course we have the rule of law, that could never happen in America,’ I wonder what could happen. I still don’t think it’s going to happen in America, but I have to admit things are strange and they’re happening.” [Jonathan Shorman, “Kobach: President Disregards Rule of Law,” *Topeka (KS) Capital-Journal*, November 21, 2014.]

### **When a Caller on His Show Said He Thinks the Obama Administration Wants More Undocumented “Murderers and Rapists” Released Into the Public, Kobach Did Not Dispute the Claim.**

When a caller on Kris Kobach’s show in 2014 said he thinks the Obama administration wants more undocumented “murderers and rapists” released into the public because it will promote chaos, Kris Kobach responded, “Maybe a calculated effort to create chaos? Who knows?” [*The Kris Kobach Show*, KMCO, May 18, 2014.]

### **Kobach Thinks “the Only Mission” of Interest to the Obama Administration “Is the Mission of Maximizing the Number of Illegals in the United States and Maximizing the Number of People Who Can Get... Amnesty.”**

On his radio show in 2013, Kris Kobach said, “The only mission” the Obama administration is “interested in is the mission of maximizing the number of illegals in the United States and maximizing the number of people who can get the amnesty.” [*The Kris Kobach Show*, KMCO, December 22, 2013.]

### **Kobach Thinks the “Illegal and Unconstitutional Executive Amnesty” by Obama Is “the Greatest Constitutional Crisis Since Perhaps the Civil War.”**

Kris Kobach, in 2014, said “Illegal and unconstitutional executive amnesty” by President Obama is “the greatest constitutional crisis since perhaps the Civil War.” [*The Kris Kobach Show*, KMCO, December 7, 2014.]

## **Kris Kobach on Undocumented Immigrants**

### **Kobach “Played a Central Role In” the Bush Administration’s “Contentious Proposal to Give State and Local Police Departments the Power to Track Down Illegal Immigrants.”**

Kris Kobach “played a central role in” the Bush administration’s “contentious proposal to give state and local police departments the power to track down illegal immigrants as a new tactic in the global war on terror.” [Erik Schmitt, “U.S. Will Seek to Fingerprint Visas’ Holders,” *New York Times*, June 5, 2002.]

“The [287(g)] program... allows Immigration and Customs Enforcement [ICE] to formally partner with state, local police and correctional systems to apprehend illegal immigrants.” Kris Kobach, from 2001 to 2003, “helped negotiate ICE’s first two partnerships with state police agencies in Florida and Alabama.” [Ryan Gabrielson, “Hearings’ Focus Shifts from Arapaio to Gascón,” *East Valley (AZ) Tribune*, April 2, 2009.]

**Kobach “Helped Train the Officers of Arizona’s Infamous Sheriff Joe Arpaio in Immigration Enforcement Strategies.” The U.S. Department of Justice Ruled That the “Department Created ‘a Pervasive Culture of Discriminatory Bias Against Latinos’ and Revoked Its Authority to Conduct Immigration Screenings.”**

Kris Kobach “helped train the officers of Arizona’s infamous Sheriff Joe Arpaio in immigration enforcement strategies.” The U.S. Department of Justice “ruled that Arpaio’s department created ‘a pervasive culture of discriminatory bias against Latinos’ and revoked its authority to conduct immigration screenings.” [Suzy Khimm, “Kris Kobach, Nativist Son,” *Mother Jones*, March/April 2012, <http://www.motherjones.com/politics/2012/03/kris-kobach-anti-immigration-laws-sb-1070>.]

**Kobach Has Written and Defended Ordinances and Legislation in Many Locales to “Discourage Businesses from Hiring Illegal Immigrants or Renting Housing to Them.”**

**In One Example, Kobach Was Paid at Least \$197,000 to Defend an Ordinance in a Small Pennsylvania City “That Sought to Punish Employers Who Give Illegal Immigrants Jobs As Well As Landlords Who Rent to Them.” When the City Ran Out of Money to Pay Him He Raised Funds to Pay Himself From a Donor in Texas.**

**In Another Example, a Small Nebraska Town Had to Raise Property Taxes to Pay Legal Fees to Kobach and Others Defending an Ordinance “to Ban the Hiring, Harboring and Renting to Illegal Immigrants.”**

In Kansas Kris Kobach helped draft “a bill to require state agencies and contractors to make a good-faith effort to check the legal status of their employees, using the federal E-Verify program.” [John Hanna, “Kan. Business Group Opposing Immigration Changes,” *The Associated Press State & Local Wire*, March 3, 2011, <http://www.businessweek.com/ap/financialnews/D9LNUAM00.htm>.]

Kris Kobach helped draft a plan in Missouri that “would set up a new state agency to discourage businesses from hiring illegal immigrants or renting housing to them.” This plan included provisions to “require businesses, landlords, police officers and universities to confirm the legal status of immigrants they deal with” and bar “illegal aliens from getting non-emergency welfare benefits.” It included “a requirement for landlords to check the legal status of their renters.” [Virginia Young, “Bill Would Block Illegal Immigrants in Hiring, Renting,” *St. Louis (MO) Post-Dispatch*, January 24, 2007; and Scott Lauck, “Law Professor: Immigration Bill on Solid Ground,” *Missouri Lawyers Weekly*, February 12, 2007]

Kris Kobach, in 2006, was hired by the city of Hazleton, Pennsylvania, “to defend the city’s Illegal Immigration Relief Act ordinance in court,” which made “English the official language in the city,” fined “landlords \$1,000 a day for knowingly renting to illegal aliens,” and revoked “business licenses of merchants who knowingly employ them.” [Steve Mocarisky, “Barletta Reinforced to Defend Law: Feds’ Ex-chief Immigration Law Advisor to Help Mayor in Legal Fight, Legal Groups Also to Aid,” *Wilkes Barre (PA) Times Leader*, August 21, 2006.]

This was “an ordinance that sought to punish employers who give illegal immigrants jobs as well as landlords who rent to them.” [Julia Preston, “Lawyer Leads an Immigration Fight,” *New York Times*, June 20, 2009, [http://www.nytimes.com/2009/07/21/us/21lawyer.html?\\_r=0](http://www.nytimes.com/2009/07/21/us/21lawyer.html?_r=0).]

Kris Kobach “argued Hazleton had ‘legitimate reasons’ for approving its ordinance and cited vicious crimes, including murders, rapes, stabbings and shootings, that the city... [claimed] illegal immigrants committed in recent years.” Kobach also said, “Hazleton is like a boat in danger of sinking. Every illegal alien drags it down.” [Matt Birkbeck, “Hazleton Immigration Law Ruling May Take Months,” *Morning Call (PA)*, March 23, 2007; and Milan Simonich, “Hazleton Immigration Trial Hears Closing Arguments,” *Pittsburgh Post-Gazette*, March 23, 2007.]

The cost of the Hazleton case “averaged around...per year...\$1.25 million.” [Chris Zavadil, “Suits Have Impact on City Budget,” *Fremont (NE) Tribune*, August 18, 2010.]

“Hazleton, Pennsylvania, a town of 25,000, racked up \$2.8 million in legal fees.” [Paul Reyes, “‘It’s Just Not Right’: The Failures of Alabama’s Self-Deportation Experiment,” *Mother Jones*, March/April 2012.]

Kris Kobach received at least \$197,615 for his work on the Hazleton case. [Sam Galski, “Hazleton Has \$10K Left in Legal Defense Fund,” *Pottsville (PA) Republican & Evening Herald*, October 9, 2010. 10/10/2010]

In 2013, the “legal defense fund that was created in 2006 to support Hazleton’s Illegal Immigration Relief Act” ran dry, “prompting the mayor to renew calls for support as the city” waited for “a ruling from a federal appeals court.” According to Hazleton Mayor Joseph Yannuzzi, city records showed “\$415.70 remaining in the Small Town Defenders legal defense fund as of March 12,” 2013, which was “well below an estimated \$20,000” still owed to the city’s lead defense attorney, Kris Kobach. Kobach contacted the mayor “after he found a donor for Hazleton’s dwindling immigration defense fund.” The donor was Trammell S. Crow, “the heir to a Dallas real estate empire,” who donated \$50,000 toward Hazleton’s legal defense fund. [Sam Galski, “Hazleton’s Legal Defense Fund Runs Dry,” *Standard-Speaker (PA)*, April 18, 2013 and Sam Galski, “Texas Real Estate Heir Gives \$50k to Hazleton Legal Defense Fund,” *The Citizen’s Voice (PA)*, May 10, 2013.]

Kris Kobach also represented Valley Park, Missouri as the city defended an ordinance, that “[prohibited] the hiring of illegal immigrants,” and he “helped Arizona defend a statute that cancels the business licenses of employers who repeatedly hire illegal immigrants.” [Julia Preston, “Lawyer Leads an Immigration Fight,” *New York Times*, June 20, 2009, <http://www.nytimes.com/2009/07/21/us/21lawyer.html? r=0>.]

He was the lawyer for Farmers Branch, TX, in the city’s defense of “ordinances that would make it illegal for landlords to rent to illegal immigrants.” A federal judge ruled against Farmers Branch in this case. The cost of the case “averaged around \$800,000 per year.” In total, the fight “for immigration laws...cost the city almost \$6 million” over seven years. [Dianne Sols, “Federal Judge Strikes Down Farmers Branch Ordinance Against Renting to Illegal Immigrants,” *Dallas Morning News*, March 24, 2010, <http://www.dallasnews.com/news/community-news/carrollton-farmers-branch/headlines/20100324-Federal-judge-strikes-down-Farmers-Branch-3438.ece>; Chris Zavadil, “Suits Have Impact on City Budget,” *Fremont (NE) Tribune*, August 18, 2010; and Nomaan Merchant, “Dallas Suburb’s Renting Ordinance Blocked,” *Associated Press*, July 23, 2013.]

Kris Kobach was hired by Cherokee County, GA, “to assist in developing the language of the new ordinance” to make “renters prove they’re here legally” and threaten “the business licenses of companies with undocumented workers.” [“Nancy Badertscher, “Cherokee to Tackle Illegal Immigration,” *Atlanta Journal-Constitution*, November 17, 2008.]

Kris Kobach represented petition organizers in Fremont, NE, who gathered signatures “to get an initiative to ban the hiring, harboring and renting to illegal immigrants in the city on a special election ballot.” He also “helped members of the Fremont City Council...when the proposed ordinance was initially being drafted.” This was an ordinance to “require contractors and employers who get licenses, permits or loans

from the city to electronically verify a job applicant's immigration status. Also, landlords who lease to illegal immigrants would face a \$100 fine. The ordinance would require every renter to buy a \$5 occupancy license, issued only after local police had verified a person's immigration status." [Don Bowen, "Judge Sets Timeline for Immigration Case," *Fremont (NE) Tribune*, March 26, 2009; Kevin Cole, "NE Judge to Rule Quickly on Fremont Election," *Omaha (NE) World-Herald*, April 17, 2009.]

"Legal defense of Fremont's illegal immigration ordinance" was costly. [Chris Zavadil, "Suits Have Impact on City Budget," *Fremont (NE) Tribune*, August 18, 2010.]

The city of Fremont paid Kris Kobach "\$10,000 a year to represent it in the court case. The remainder of his fees...[were] paid by groups seeking tougher immigration laws." ["Both Sides See a Win in Ruling on Fremont Law: A Federal Judge Tosses Some Parts of the Immigration Ordinance," *Omaha (NE) World-Herald*, February 21, 2012.]

"Based on estimates developed with input from Kris Kobach, the attorney defending the [Fremont] ordinance, the city administrator" recommended "that the city council budget \$750,000 for the 2010-2011 budget, raising the overall property tax rate by about 5.8 mills," the...[city] said. "This would mean an average tax increase of \$116 per year on a \$200,000 home." These costs included "fees to Kobach, including travel, lodging, and outside assistance as needed. Other expenses...[were] anticipated for depositions, document redaction, expert witnesses and discovery costs; ancillary lawsuits and potential plaintiffs' fees; technology, personnel and other related costs, according to the announcement." [Chris Zavadil, "Suits Have Impact on City Budget," *Fremont (NE) Tribune*, August 18, 2010]

#### **Kobach, in Defending an Ordinance to Ban Renting Housing to Undocumented Immigrants, Suggested "They Could Still Buy Trailer Homes."**

In oral arguments of an appeal of the Hazleton law, 3<sup>rd</sup> U.S. Circuit Chief Judge Theodore McKee "asked if Hazleton isn't effectively denying shelter to" illegal immigrants because of the law's rental ban and because "few illegal immigrants are in a position to buy homes and it might be illegal for real estate companies to handle such a sale under the ordinances." Kris "Kobach suggested they could still buy trailer homes. 'That's almost facetious,' McKee replied." [Maryclaire Dale, "Pennsylvania City Tries Again to Enact Immigration Rules," *Associated Press State & Local Wire*, August 15, 2012.]

#### **Kobach Helped Write the Arizona Law That Made "it a State Crime to Be in the Country Illegally."**

Kris Kobach helped write Arizona Senate Bill 1070, which, among other things, made "it a state crime to be in the country illegally." Opponents of the bill said "it would require departments to make immigration enforcement a priority over violent crimes, drain already strained financial and manpower resources, force officers to target individuals based on their accent or dress, and result in costly lawsuits against municipalities for participating in racial profiling as well as failing to adequately enforce the law." [Alia Beard Rau and JJ Hensley, "Police Weighing Arizona's Immigration Bill's Impact," *Arizona Republic*, April 22, 2010.]

Legal bills "obtained through a public records request by The Associated Press...for work performed through June [2010] by Phoenix law firm Snell & Wilmer" showed that Governor Jan Brewer's office "spent more than \$440,000 for the first two months of defending" Senate Bill 1070. The invoices also "show Snell & Wilmer attorneys in frequent contact with the governor's in-house lawyer and occasionally talking with Kris Kobach, a law professor who helped draft the measure." [Jonathan J. Cooper and Paul Davenport, "Wyoming Man Donates \$1.5 Million to Defend Arizona Law," *Associated Press State & Local Wire*, September 3, 2010.]

#### **The Alabama Legislature, in 2011, Passed a Bill That Kris Kobach Helped Draft That Went "Well Beyond" the Abovementioned Law That Arizona Passed the Previous Year.**



**In Addition to Including “a Provision Similar to One That Stirred Controversy in Arizona” That Authorizes “Police Officers to Ask About the Immigration Status of Anyone They Stop Based on a ‘Reasonable Suspicion’ the Person Is an Illegal Immigrant,” the Alabama Bill “Bars Illegal Immigrants from Enrolling in Any Public College After High School” and “Obliges Public Schools to Determine the Immigration Status of All Students.”**

**The Bill Also “Makes It a Crime to Knowingly Rent Housing to an Illegal Immigrant” and “Bars Businesses From Taking Tax Deductions on Wages Paid to Unauthorized Immigrants.”**

**It “Requires All Alabama Employers . . . to Confirm the Legal Status of All Workers” and “Makes It a State Crime for an Immigrant to Fail to Carry a Document Proving Legal Status.”**

The Alabama legislature, in 2011, passed House Bill 56, which was a bill that Kris Kobach helped draft. It went “well beyond a law Arizona passed [the previous] year that caused a furor there.” In addition to including “a provision similar to one that stirred controversy in Arizona, authorizing state and local police officers to ask about the immigration status of anyone they stop based on a ‘reasonable suspicion’ the person is an illegal immigrant,” the Alabama bill “bars illegal immigrants from enrolling in any public college after high school” and “obliges public schools to determine the immigration status of all students, requiring parents of foreign-born students to report the immigration status of their children.” The bill also “makes it a crime to knowingly rent housing to an illegal immigrant” and “bars businesses from taking tax deductions on wages paid to unauthorized immigrants.” It “requires all Alabama employers to use a federal system, E-Verify, to confirm the legal status of all workers.” It also “makes it a state crime for an immigrant to fail to carry a document proving legal status” and “for anyone to transport an illegal immigrant.” [Julia Preston, “In Alabama, a Harsh Bill for Residents Here Illegally,” *New York Times*, June 4, 2011.]

#### **Kobach Opposes Sanctuary Cities. He Sued San Francisco, California, for Being a Sanctuary City.**

Kris Kobach represented the family of Tony Bologna, who, along with his two sons, was “shot to death on a street in the Excelsior district June 22,” 2008, in San Francisco. “The claim places blame on the city’s Juvenile Probation Department for adopting ‘official and unofficial policies’ that amounted to unlawfully harboring illegal immigrants who committed violent crimes. The claim says the city’s sanctuary policies and practices violated federal laws that grant ‘unfettered discretion’ to local authorities to report to immigration officials any ‘dangerous person’ not in this country legally.” Kobach stated, “there are clearly many, many restrictions on when and whether San Francisco police officers can communicate with the federal government on an individual’s immigration status – and those restrictions played a role, in a significant way, to horrible events that unfolded.” He continued, “if the city had followed the law, Anthony, Matthew and Michael Bologna would most certainly be alive today.” [Jaxon Van Derbeken, “Family Blames Sanctuary Policy in Three Slayings,” *San Francisco Chronicle*, August 23, 2008.]

Kris Kobach, in 2012, “persuaded the Republican platform committee . . . to toughen its language on immigration.” He proposed language that was approved by the committee “calling for the completion of a border fence, the end of in-state tuition for illegal immigrants and an end to sanctuary cities.” [James Hohmann, “GOP Platform Tough on Immigration,” *Politico*, August 21, 2012, <http://www.politico.com/story/2012/08/gop-platform-gets-tougher-on-immigration-079958>.]

#### **Kobach Supports “the Completion of a Border Fence.”**

Kris Kobach, in 2012, “persuaded the Republican platform committee . . . to toughen its language on immigration.” He proposed language that was approved by the committee “calling for the completion of a border fence, the end of in-state tuition for illegal immigrants and an end to sanctuary cities.” [James Hohmann, “GOP Platform Tough on Immigration,” *Politico*, August 21, 2012, <http://www.politico.com/story/2012/08/gop-platform-gets-tougher-on-immigration-079958>.]

### **Kobach Supports Restricting Birthright Citizenship and Has Written Anti-Birthright Citizenship Legislation.**

Kris Kobach “supports ending automatic U.S. citizenship for so-called ‘anchor babies’ – those born to illegal immigrants on American soil.” He helped Arizona state Sen. Russell Pearce, who authored Senate Bill 1070, with “legislation to end birthright citizenship in” Arizona. [Dave Klepper, “Kansas’ Kobach Helping Arizona on ‘Anchor Babies’ Legislation,” *Kansas City (MO) Star*, September 15, 2010.]

### **Kobach’s 2004 Congressional Campaign Received Contributions from the U.S. Immigration Reform PAC, Which Was a PAC With “Leadership Linked with Efforts to Prove Black People and Other Racial Minorities Are Genetically Inferior and Who Claim Immigrants Cause Sprawl, Aids and Leprosy.”**

Kris Kobach’s 2004 congressional campaign received \$10,000 in contributions from the U.S. Immigration Reform PAC, which is “a political action committee that has leadership linked with efforts to prove black people and other racial minorities are genetically inferior and who claim immigrants cause sprawl, AIDS and leprosy.” He “said he didn’t realize the PAC was tied to these diatribes and said, ‘I have no sympathy with anyone who is anti-immigrant, period.’” [*Desert Morning News*, February 25, 2006; and *The Kansas City (MO) Star*, June 8, 2004.]

“The PAC is chaired by Mary Lou Tanton, whose husband, John Tanton,” has “a history of ‘associating with white nationalists.’” John Tanton “publishes *The Social Contract*, edited by Wayne Lutton. Lutton is also associate editor and book review editor for *The Occidental Quarterly*, a publication that civil rights groups say is a white supremacist organ. The quarterly’s mission statements says in part: ‘Immigration into the United States should be restricted to selected people of European ancestry.’ An Internet search found Lutton’s name as a regular speaker on immigration at conventions held by the Council of Conservative Citizens, which is considered a white supremacist group by the Southern Poverty Law Center.” [Deborah Bulkeley, “Foe of Immigrant Tuition Denies Supremacist Links,” *Deseret (UT) Morning News*, February 25, 2006; and Julia Preston, “Lawyer Leads an Immigration Fight,” *New York Times*, July 20, 2009, <http://www.nytimes.com/2009/07/21/us/21lawyer.html>.]

John Tanton once wrote, “I’ve come to the point of view that for European American society and culture to persist requires a European-American majority and a clear one at that.” [Transcript of *The Rachel Maddow Show*, MSNBC, May 3, 2012, <http://www.msnbc.com/transcripts/rachel-maddow-show/2012-05-03>.]

### **Kobach Opposes Giving In-State Tuition to Undocumented Immigrants and Has Worked on Behalf of a Hate Group That Supports the Same Position.**

Kris Kobach, in 2012, “persuaded the Republican platform committee . . . to toughen its language on immigration.” He proposed language that was approved by the committee “calling for . . . the end of in-state tuition for illegal immigrants.” [James Hohmann, “GOP Platform Tough on Immigration,” *Politico*, August 21, 2012, <http://www.politico.com/story/2012/08/gop-platform-gets-tougher-on-immigration-079958>.]

Kris Kobach, in 2004, criticized a statute “giving in-state tuition at Kansas universities to illegal aliens.” He said that “beyond the illegality of the legislation itself, Kansas is . . . encouraging aliens to violate federal immigration laws” by “handsomely” rewarding “illegal behavior with a valuable education benefit.” [Kris Kobach, “Immigration Tuition Ignores Law,” *Kansas City (MO) Star*, June 16, 2004.]

In 2004 he was hired by the Federation for American Immigration Reform [FAIR] to represent “a group of 24 college students [who] filed a lawsuit...challenging a...state law that allows some illegal immigrants to pay in-state tuition at Kansas’ public colleges and universities. The suit... [claimed] the law violates the

equal protection clause of U.S. Constitution and is in direct violation of a federal law that prohibits the granting of benefits by states to illegal immigrants." The case was dismissed in 2005.

FAIR, which was listed as a hate group by the Southern Poverty Law Center because FAIR's founder, John Tanton, has "a history of 'associating with white nationalists,'" has paid Kris Kobach at least \$125,000. [Jim Sullinger, "Lawsuit filed over law giving undocumented immigrants Kansas tuition break," *The Kansas City (MO) Star*, July 19, 2004 and Jim Sullinger, "Judge Rejects Lawsuit over tuition break; Immigrants Can Still Pay In-State Rate," *The Kansas City (MO) Star*, July 6, 2005; John Milburn, "Group Challenging State Law Granting Illegal Immigrant Tuition Breaks," *Associated Press State & Local Wire*, July 19, 2004; John Milburn, "Kline Separating Himself from Lawsuit Over Immigrant Tuition," *Associated Press State & Local Wire*, July 21, 2004; Sarah Kessinger, "GOP Party Chair: Center's Listing Way Off," *The Chanute (KS) Tribune*, January 10, 2008, Julia Preston, "Lawyer Leads an Immigration Fight," *New York Times*, July 20, 2009, <http://www.nytimes.com/2009/07/21/us/21lawyer.html>; and Kris W. Kobach, Testimony on "Public Safety and Civil Rights Implications of State and Local Enforcement of Federal Immigration Laws," before the House Committee on Judiciary, Subcommittee on Constitution, Civil Rights, and Civil Liberties, and Subcommittee on Immigration, Citizenship, Refugee, Border Security, and International Law, April 2, 2009.]

John Tanton once wrote, "'I've come to the point of view that for European American society and culture to persist requires a European-American majority and a clear one at that.'" [*The Rachel Maddow Show*, MSNBC, May 3, 2012, <http://www.msnbc.com/transcripts/rachel-maddow-show/2012-05-03>.]

"John Tanton publishes *The Social Contract*, edited by Wayne Lutton. Lutton is also associate editor and book review editor for *The Occidental Quarterly*, a publication that civil rights groups say is a white supremacist organ. The quarterly's mission statements says in part: 'Immigration into the United States should be restricted to selected people of European ancestry.' An Internet search found Lutton's name as a regular speaker on immigration at conventions held by the Council of Conservative Citizens, which is considered a white supremacist group by the Southern Poverty Law Center." [Deborah Bulkeley, "Foe of Immigrant Tuition Denies Supremacist Links," *Deseret (UT) Morning News*, February 25, 2006.]

Kris Kobach, in 2008, represented "42 students in the University of California system who were paying higher tuition rates" than some undocumented immigrants and objected "to a law allowing some illegal immigrants to pay the lower rates normally reserved for California residents." ["Immigrant Tuition Law Foe Cheered by California Ruling," *Associated Press State & Local Wire*, September 16, 2008.]

Kobach said on CNN, "'the DREAM Act is a nightmare when it comes to the rule of law. First of all, it gives in-state tuition to illegal aliens who are violating the law. Meanwhile, U.S. citizens who follow the law from out-of-state, they have to pay full tuition. Secondly, it's part of a massive amnesty for illegal aliens who happen to attend college.'" [*Lou Dobbs Tonight*, CNN, March 1, 2007.]

Kris Kobach supported a bill "introduced by U.S. Congressman Todd Tiahrt [R-Kan.] and U.S. Congressman Brian Bilbray [R-Calif.] called the Fairness for American Students Act" (H.R. 4548), which was a bill to "close a loophole . . . that several states have used to provide lower-cost college tuition to illegal immigrants compared to tuition rates U.S. citizens from neighboring states have to pay." [Todd Tiahrt, Press Release, January 28, 2010.]

**Kobach, in 2010, "Filed a Lawsuit . . . Challenging the Validity of a 2006 Nebraska Law That Allows Some Illegal Immigrants to Pay In-state College Tuition." The Plaintiffs in This Case Were His In-Laws, Two Relatives of His In-Laws, and Neighbors of His In-Laws.**

Kris Kobach, in 2010, "filed a lawsuit...challenging the validity of a 2006 Nebraska law that allows some illegal immigrants to pay in-state college tuition," arguing "that Nebraska's law violates a 1996 federal law that prohibits higher education institutions giving benefits to illegal immigrants without offering the same

break to U.S. citizens.” [Margery A. Beck, “Lawsuit Targets Nebraska’s Immigrant-Tuition Law,” *Associated Press State & Local Wire*, January 26, 2010]

In the lawsuit challenging the abovementioned 2006 Nebraska law on in-state tuition for undocumented immigrants the six taxpayers who filed the lawsuit were Kobach’s in-laws and their neighbors. Kobach’s “wife Heather is a Fairbury native. Her parents, Doyle and Brenda Mannschreck, are named as plaintiffs in the lawsuit. Other plaintiffs are Bruce and Patti Swartz, relatives of the Mannschrecks, and Brad and Danessa Weatherl, the Mannschrecks’ neighbors.” Mr. “Mannschreck said the in-state tuition issue came up at the dinner table with Kobach.” [Cindy Gonzalez, “State’s Newest Immigration Conflict Heats Up,” *North Platte (NE) Telegraph*, September 1, 2010.]

### **Kobach Has Implied That at Least Part of the Motivation for His Anti-Undocumented Immigrant Stance Is Terrorism.**

“Mr. Kobach developed his immigration views while working in the Justice Department at the time of the September 11, 2001, terrorist attacks.” [Julia Preston, “Lawyer Leads an Immigration Fight,” *New York Times*, June 20, 2009, <http://www.nytimes.com/2009/07/21/us/21lawyer.html? r=0>.]

In 2007 Kobach wrote, “It is undeniable that our immigration policy is a central facet of our anti-terrorism policy. Virtually all of the terrorists targeting this country are aliens who need to be in the United States to carry out their attacks.” [Kris W. Kobach, “A Wake-up Call for the Senate, Immigration Loopholes Aid Terrorists,” *Washington (DC) Times*, June 7, 2007.]

### **Kobach, in 2013, Said Pro-Immigrant Protesters Acted Like the Ku Klux Klan.**

Kris Kobach, in an interview with Glenn Beck, “likened...[a] protest [by pro-immigrant protesters] to the Ku Klux Klan. ‘They’re just not wearing white cloaks, but this is exactly KKK type intimidation,’” he said. [KWCH12 (KS), 06/21/2013, *Glen Beck Radio Program*, The Blaze Radio Network, June 18, 2013, [https://youtu.be/\\_xAtuSTBAs](https://youtu.be/_xAtuSTBAs).]

### **Kobach Supported the North American Free Trade Agreement [NAFTA], Even Though Experts Believe NAFTA Increased the Number of Undocumented Immigrants Entering the United States, Displaced Hundreds of Thousands of American Jobs, and “Suppressed Real Wages” for American Workers.**

Kris Kobach, in 2004, answered “yes” when he was asked, “Do you support the North American Free Trade Agreement [NAFTA],” and “Do you support the General Agreement on Tariffs and Trade [GATT]?” [[Project Vote Smart, “National Political Awareness Test,” 2004](#)]

“The big wave in illegal immigration from Mexico began in the 1980s. But it picked up strongly after NAFTA. That wasn’t unexpected.” University of California, Davis Professor Philip Martin, who has “long been studying migration...predicted it before the trade agreement passed.” [Ted Robbins, “Wave of Illegal Immigrants Gains Speed After NAFTA,” *Morning Edition*, NPR, December 26, 2013.]

NAFTA “has caused the displacement of production that supported” hundreds of thousands of American jobs. “Most of those lost jobs were high-wage positions in manufacturing industries. The loss of these jobs is just the most visible tip of NAFTA’s impact on the U.S. economy. In fact, NAFTA has also contributed to rising income inequality, suppressed real wages for production workers, weakened workers’ collective bargaining powers and ability to organize unions, and reduced fringe benefits.” [Robert E. Scott, “The High Price of ‘Free’ Trade, NAFTA’s Failure Has Cost the United States Jobs Across the Nation,” Economic Policy Institute, November 17, 2003, [http://www.epi.org/publication/briefingpapers\\_bp147/](http://www.epi.org/publication/briefingpapers_bp147/).]

## **Kris Kobach on Voter Fraud and Voter Suppression**

**“Incumbent Dennis Moore Easily Beat Kris Kobach” in a 2004 Congressional Election. “Kobach Said He Was a Victim of Voter Fraud.”**

Kris Kobach “said he was a victim of voter fraud . . . while running against Dennis Moore for Congress” in 2004, even though “incumbent Dennis Moore easily beat Kris Kobach in Kansas’ 3<sup>rd</sup> congressional district.” [Brad Cooper, “Kobach Considers Going Back to Teaching,” *Kansas City (MO) Star*, November 4, 2004; and Dennis Sharkey, “Republicans Open Campaign Season in Jefferson County,” *Oskaloosa (KS) Independent*, April 15, 2010.]

“When Kris Kobach ran for Congress in 2004 against incumbent Dennis Moore, a woman walked into his campaign headquarters. The voter, Kobach says, was a registered Democrat in Wyandotte County but told the Republican candidate that she intended to vote for him. The funny thing was, she’d already received an absentee ballot in the mail – without requesting it. That didn’t sit well with Kobach, a professor of constitutional law at the University of Missouri-Kansas City. ‘I was worried people were fraudulently pulling Democrats’ names off the list to drag those participation numbers up,’ Kobach says.”

“Kobach lost the 2004 race to Moore by a fraud-proof margin, but his concerns about election shenanigans continued when ACORN, an activist organization, was charged with registering fake voters in Missouri” in the following election cycle. [Carolyn Szczepanski, “Kris Kobach Tells Us Why He’s Running for Secretary of State,” *Kansas City (KS) Pitch*, May 27, 2009.]

**Secretary of State Candidate Kobach, in 2009, Campaigned for a Law to Require “People to Show a Photo Identification Before They Can Vote” Because He Thought Voter Fraud, Including “the Illegal Registration of Alien Voters,” Was “Pervasive” in Kansas.**

“Election crimes have been documented across the state, from fraudulent registrations, to vote-by-mail fraud,’ Kobach said in a statement announcing his candidacy” for Secretary of State in 2009. “In Kansas, the illegal registration of alien voters has become pervasive.” As such, he said, “Kansas should enact a law . . . requiring people to show a photo identification before they can vote.” [John Hanna, “Ex-GOP Leader Running for Kansas Secretary of State,” *Associated Press State & Local Wire*, May 26, 2009; and Dion Lefler, “Candidate Kobach Claims Widespread Voter Fraud,” *The Wichita (KS) Eagle*, 05/26/2009]

**Kobach, in 2010, Claimed “the State’s Voter Registration Rolls Include Hundreds of Dead People,” but the Study He Pointed to As Proof Was Inaccurate.**

Kris Kobach, in 2010, “said the state’s voter registration rolls include hundreds of dead people,” citing “a report...by KSHB-TV that almost 2,000 names on Kansas’ rolls matched a list of deaths compiled by the federal Social Security Administration,” although the “TV report acknowledged” that “at least two-thirds of the potential matches were ‘false positives.’” [John Hanna, “Kansas Secretary of State Race Heats Up as End Nears,” *Associated Press State & Local Wire*, October 29, 2010.]

**Kobach Said If Elected Secretary of State He Would “Make Changes to Make Sure People Are U.S. Citizens When They Register to Vote.”**

Kris Kobach said if elected Secretary of State he would “make changes to make sure people are US citizens when they register to vote.” He “said the current system of checking a box that says you’re a US citizen is too trusting. ‘I think we need to return to something Ronald Reagan used to say – trust by verify,’ he said.” [Ryan D. Wilson, “Secretary of State Candidate Promises Change in Election Law Enforcement to Fight Illegal Immigration, Fraud,” *Clay Center (KS) Dispatch*, March 1, 2010.]

**Secretary of State Kobach Introduced Legislation to Require Photo Identification to Vote and to Require “Newly-registered Voters to Provide Evidence of United States Citizenship.”**

Secretary of State Kris Kobach, in 2010, “announced the introduction” of the Secure and Fair Elections [SAFE] Act, which was “a House Bill designed to prevent voter fraud in Kansas and to secure the integrity of Kansas elections.” This was a bill to “introduce photo-I.D. requirements for Kansas elections” and require “newly-registered voters to provide evidence of United States citizenship.” [Kris W. Kobach, “Kansas Secretary of State Kris Kobach Introduces the Kansas Secure and Fair Election (S.A.F.E.) Act, press release, January 18, 2011, [http://www.kssos.org/other/news\\_releases/PR\\_2011/PR\\_011811.html](http://www.kssos.org/other/news_releases/PR_2011/PR_011811.html).]

The version of the SAFE Act signed into law requires “newly-registered Kansas voters...[to] prove U.S. citizenship when registering to vote,” and “voters must show photographic identification when casting a vote in person.” In addition, “voters must have their signature verified and provide a full Kansas driver’s license or non-driver ID number when voting by mail.” [*Kansas Secretary of State Press Release*, March 29, 2011.]

“A survey by the Brennan Center for Justice at New York University School of Law found that 11 percent of citizens, 21 million people, do not have a current photo ID. That fraction increases to 15 percent of low-income voting-age citizens, 18 percent of young eligible voters and 25 percent of black eligible voters.” [Editorial, “The Republican Threat to Voting: New Voter ID Requirements Are Unnecessary and Will Suppress the Vote,” *New York Times*, April 27, 2011, late ed.]

**Secretary of State Kobach Staunchly Defended Kansas’ Requirement That People Show Proof of Citizenship to Register to Vote, Even Though the Requirement Has Prevented Thousands of Kansans from Registering to Vote and His Claims of Undocumented Immigrants Voting “Don’t Stand up to Scrutiny.”**

**In Reference to People Who Had Trouble Registering to Vote Because of This Requirement He Said They Are “Mostly Casual Registrants, Many of Whom Do Not Intend to Vote,” and “Procrastinators.”**

“The Kansas secretary of state, Kris Kobach, a longtime proponent and drafter of” proof of citizenship “laws, points to a 1997 vote on a county ballot measure, in which he claims ‘a bus full of individuals believed to be aliens’ voted illegally, and a 2010 election that he says was stolen by ‘50 votes illegally cast by citizens of Somalia.’ But these claims don’t stand up to scrutiny. The first case resulted in no prosecutions, and a state judge found no evidence of voter fraud in the second.

Mr. Kobach cites a total of seven convictions for voter fraud since 1997. Meanwhile, more than 17,000 Kansans – nearly a third of all those who...registered to vote in 2013,” in October 2013 sat “on a ‘suspense list,’ prevented from voting because the state says they did not provide the required proof of citizenship. State officials...acknowledged that a majority of those on the list may be there because of confusion over conflicting state requirements.

Instead of acknowledging the seriousness of these mix-ups, Mr. Kobach called those on the list ‘mostly casual registrants, many of whom do not intend to vote.’” [*The New York Times*, 10/01/2013]

Kobach said that many of them “began the registration process while getting a driver’s license but could not be bothered to follow through with a birth certificate, which can be emailed from a phone.” He stated, “they go to the D.M.V. and the lady says, ‘Do you want to register to vote?’ They don’t want to seem rude so they say yes,” but “they don’t really have the intention of voting.” [*The New York Times*, 10/17/2014]

He also called these people who filled out registration forms but did not provide proof of citizenship “procrastinators” for not providing the proof of citizenship. [Right Wing Watch, “RWW News: Kris Kobach Mocks 19,000 Kansas Voters with Suspended Registrations,” YouTube video, 1:20, posted March 20, 2014, <https://youtu.be/131g2pLfgQ>.]

"Kansas's law, like those the Justice Department has challenged, reveals the underlying dishonesty of voter ID laws. They have nothing to do with stopping the nonexistent threat of voter fraud and everything to do with making it harder for more eligible voters to register and vote." [Editorial, "The Dishonesty of Voter ID Laws," *New York Times*, October 1, 2013, late ed.]

### **When Kobach Was the Chair of the Kansas Republican Party It Used a Technique Known As "Caging" to Suppress Voting.**

"In an e-mail message sent to state Republicans, Kansas Republican Party Chairman Kris Kobach," in 2007, said, "'to date, the Kansas GOP has identified and caged more voters in the last 11 months than the previous two years.'" [Scott Rothschild, "Democrats Accuse GOP of Vote 'Caging,'" *Lawrence (KS) Journal-World*, December 27, 2007; and [Kansas Republican Party, "Republican Party Year in Review," December 26, 2007.](#)]

### **Kobach Is so Concerned about Voter Fraud That He Created Crosscheck Allegedly to Make It More Difficult for People to Vote in Multiple States.**

Kansas Secretary of State Kris Kobach set up a database called Crosscheck with 14 other states, including "Arizona, Arkansas, Colorado, Illinois, Iowa, Kentucky, Louisiana, Michigan, Mississippi, Missouri, Nebraska, Oklahoma, South Dakota and Tennessee" to ensure that people do not vote in multiple states. [Robert Knight, "Kansas Leads Way Against Ballot Fraud," *Washington (DC) Times*, May 21, 2012.]

### **Crosscheck, Which Is Championed, Managed, and Controlled by Kansas Secretary of State Kobach, Is Purging "Black, Hispanic, and Asian-American Voters" on a Massive Scale. "Already, Tens of Thousands Have Been Removed From Voter Rolls in Battleground States, and the Numbers Are Set to Climb.'**

**Specifically, Officials Have a Master List of 6.9 Million Suspected 'Potential Double Voters,'" but "the Process for Checking Those Names, a Computer Program Called Crosscheck...is Incredibly Inaccurate."**

### **Crosscheck Intentionally and "Deliberately Ignores Any Social Security Mismatches, in the Few Instances When the Numbers Are Even Collected."**

**The System "is Incredibly Broad With a Strong Bias Toward Removing People From the Rolls. And the Means for Verifying Voter Identity – Sending Postcards to Addresses on File – Puts the Burden of Proof on Individual Voters and Is Almost Designed to Take People Off the Rolls; With False Positives and Duplicate Names, There's No Guarantee That Anyone Gets Their Verification Card."**

"According to a six-month-long investigation conducted by Greg Palast for Al Jazeera, 'voting officials in 27 states, almost all of them Republicans, have launched what is threatening to become a massive purge of black, Hispanic, and Asian-American voters. Already, tens of thousands have been removed from voter rolls in battleground states, and the numbers are set to climb.'

Specifically, officials have a master list of 6.9 million suspected 'potential double voters.' And in Virginia, Georgia and Washington the lists are 'heavily over-weighted with names such as Jackson, Garcia, Patel, and Kim,' all common to Democratic-leaning minority groups.

The process for checking those names, a computer program called Crosscheck – touted [managed, and controlled] by Kansas Secretary of State Kris Kobach, a vocal supporter for voter identification – is incredibly inaccurate. 'The actual lists,' notes Al Jazeera America, 'show that not only are middle names mismatched, and suffix discrepancies ignored, even conflicting birthdates are disregarded. Moreover, Crosscheck deliberately ignores any Social Security mismatches, in the few instances when the numbers are even collected.'"



“Under Crosscheck, the procedure for identifying a ‘match’ compares three fields: [1] First Name; [2] Last Name; and [3] Date of Birth [‘DOB’]. Other information, such as Middle Name, Name Suffix, and Last Four Digits of the Social Security Number [‘Last Four SSN’] are included on the reports, but are not used to indicate a ‘match.’”

Crosscheck acknowledges that it is inaccurate. It “openly admits in its Participation Guide that the program generates a high number of false positives.” This has “often resulted in the unlawful purging of eligible voters from the voting rolls.”

“Crosscheck is incredibly broad with a strong bias toward removing people from the rolls. And the means for verifying voter identity – sending postcards to addresses on file – puts the burden of proof on individual voters and is almost designed to take people off the rolls; with false positives and duplicate names, there’s no guarantee that anyone gets their verification card, to say nothing of voters who have moved or don’t have a permanent address.”

“Whether Republican officials are trying to nudge the electorate in the GOP’s favor is almost beside the point – since, intentions aside, that’s what’s happened. And when you take this out of its isolation chamber and put it in context – a world where Republicans want voter identification and reduced early voting and stiffer registration laws – it looks like a pattern of deliberate suppression, where some officials prune voter rolls with lists of minorities while others make it harder to vote altogether.” [“Questions & Answers: Interstate Crosscheck Program (“Crosscheck”) & Electronic Registration Information Center (“ERIC”), Based on Publicly Available Information,” Advancement Project, August 12, 2015, [http://b.3cdn.net/advancement/1d6cccf4b34b9645da\\_hdm6i29rp.pdf](http://b.3cdn.net/advancement/1d6cccf4b34b9645da_hdm6i29rp.pdf); and Jamie Bouie, “The Most Brazen Attempt at Voter Suppression,” *Salt Lake (UT) Tribune*, October 30, 2014.]

#### **Due to Concerns About Voter Fraud, Kobach Opposes Expanding Vote by Mail in Kansas.**

“V. Kay Curtis, director of public affairs for the Kansas Secretary of State’s Office, said Secretary of State Kris Kobach opposes any...expansion” of vote by mail in Kansas. “Secretary Kobach says that, generally speaking, mail ballot elections have a higher risk of fraud than the now very secure in-person voting system we have in Kansas,” she wrote in an email.” [Michael Strand, “Special Delivery,” *Salina (KS) Journal*, March 13, 2014.]

### **Kris Kobach on the War on Terror**

#### **Kobach Does Not Think the USA Patriot Act Has “Restricted the Civil Liberties of American Citizens.”**

Kris “Kobach, in a letter written to the Lawrence, Mo., City Commission” in 2004 “said that warrants issued under the [USA PATRIOT Act] to investigate someone’s property and information without their knowledge must be approved within the context of a foreign intelligence or international terrorism investigation. Kobach, who served as counsel to Attorney General John Ashcroft from 2001-2003, wrote the letter urging the Lawrence City Commission to reject a resolution similar to Resolution 60,” which called “on the government to not hold any New Yorkers without due process” and opposed “the secret detention of persons or detention without access to a lawyer.” A national “effort by a few interest groups to spread misinformation about the act...has led to false claims that the act has in some way restricted the civil liberties of American citizens,” he said. [Will Scheff, “Many Sign Up Against PATRIOT Act,” *Pitt (PA) News*, March 24, 2004.]

#### **Kobach Said He Does Not Think “Waterboarding and Sleep Deprivation” Are Torture. He Thinks Forced Sleep Deprivation Is “Making Al-Qaeda Terrorists Go Through What Every College Student Goes Through Routinely.”**

**Kobach Said When It Comes to Such Situations He Trusts the Judgment of Former Vice President Dick Cheney, Not Senator Dianne Feinstein, Because He Does Not Want “an Old Lady’s Opinions About This.”**

Kris Kobach, in 2014, said on his radio show that he does not think “waterboarding and sleep deprivation” are torture. He thinks forced sleep deprivation is “making al-Qaeda terrorists go through what every college student goes through routinely.”

A caller said on the same day, “there is a little new wrinkle in the latest scandal over alleged torture, and that is the rectal feeding. I think that is great and I think we should do more of that. However, rather than feeding them actual food...I think they should be rectally fed the most holy Qur’an. And as a matter of fact, if we had a lottery for Americans to have the chance to insert the most holy Qur’an where the sun doesn’t shine in...jihadists, I think Americans would pay for the privilege. I think we could balance the budget.” Kris Kobach said he wasn’t going to comment “on the anal feeding” but went on to say, “when I think of torture, I think of, you know, nails being driven into someone knees, or things like that. The things the CIA does are nowhere near that. Anyway, it’s very interesting.”

In reference to former Vice President Dick Cheney calling the Senate torture report “full of crap,” Kris Kobach said, “that’s the kind of judgment I would trust in a situation like this. Not Dianne Feinstein, an old lady’s opinions about this. Yeah, we want Diane Feinstein protecting us right now in a fight against radical, violent jihadists,” who are “Muslims intent on killing Americans to bring about a caliphate in the Middle East.” [*The Kris Kobach Show*, KMCO, December 14, 2014.]

**Kobach “Helped Craft” and Defended Requiring “Men from 24 Predominantly Muslim Nations” to “Report to Government Offices so They Could Be Fingerprinted, Photographed and Questioned.”**

The Justice Department’s immigrant “registration program that Kobach helped craft,” announced by Attorney General John Ashcroft in 2002, “mandated that men from 24 predominantly Muslim nations and North Korea report to government offices so they could be fingerprinted, photographed and questioned. More than 83,000 did so. The government subsequently moved to deport 13,740 of the men because of alleged immigration violations discovered during the interviews. The power exercised . . . was extraordinary, but Kobach said it was necessary and that nationality had to be used because of scarce resources.” [Cam Simpson, “The Registration’s Architect,” *Chicago Tribune*, November 16, 2003.]

**When Callers on His Radio Show Said President Obama Loves Islam, Dislikes Christianity, and Is “Soft on Jihad,” Kobach Said They Might Be Right.**

During a discussion of the Federal Government Shutdown in 2013, a caller to Kris Kobach’s radio show said President Obama is “soft to jihad” and either “a closet Muslim or, he’s clearly a Muslim sympathizer.” The caller said the President’s actions as they relate to the military “fits the notion of jihad” by “doing things to make [people] miserable.” Kobach responded, “he’s certainly trying to make life hell for anybody he can and blame it on the shutdown. I mean there’s no question that he’s trying to maximize the negative impact on Americans...for pure political gain, but I don’t know. Maybe you’re right.”

A caller to Kris Kobach’s radio show, in 2013, said President Obama has “a general distaste” for “Christians and Christianity and...love...for Islam.” Kobach responded, “I don’t know. I hope that’s not what’s driving him, but I guess time will tell.” [*The Kris Kobach Show*, KMCO, October 6, 2013.]

**Kobach Thinks That “at Every Turn” President Obama “Seems to Be Putting His Finger on the Scale in Favor of the Muslim Brotherhood or the Radical Islamists.”**

Kris Kobach, in 2013, said on his radio show, “it’s amazing to me that one could even attempt to portray Mohammad as something other than a very brutal warlord.” On the same show he said, “if you look back over Barack Obama’s five years now, more or less, of Middle Eastern policy, at every turn, ultimately he

seems to be putting his finger on the scale in favor of the Muslim Brotherhood or the radical Islamists.”  
[*The Kris Kobach Show*, KMCO, September 8, 2013.]

## **Kris Kobach on Taxation and the Road to Socialism**

**Kobach, in 2013, Said “the Radical Left” Wants “Patriotic... Traditional Values People” to Be Replaced as They Die Off “With People Brought in from Outside of the United States [Through Amnesty Programs] Who Will Be Ready-made Members of the Dependency Class” as Part of a Plan to Create “a Socialist America for Tomorrow.”**

Kris Kobach, in 2013, said “the radical left” wants “people who are self-supporting, patriotic Americans; traditional values people like you and me” to be replaced as they die off “with people brought in from outside of the United States [through amnesty programs] who will be ready-made members of the dependency class. They will immediately be put on all sorts of forms of welfare, and also those forms of welfare like food stamps will be expanded among native born Americans, as the Obama administration has been doing.” He continued, “it’s all about replacing...Americans who believe in self-sufficiency with a new group of soon-to-be Americans who are ready-made members of the dependency class.” According to Kobach, “there is no question that the radical left has had this strategy for a long time.” It is “about creating a socialist America for tomorrow.” [*The Kris Kobach Show*, KMCO, October 13, 2013.]

Kris Kobach, in 2015, said, “issuing millions of work permits unlawfully and improperly to people who have no right to work in the United States” makes Americans who cannot find jobs because undocumented workers are taking them “more dependent on the government for welfare.” He continued, this “all just works wonderfully well for the Socialist plan.” [*The Kris Kobach Show*, KMCO, May 31, 2015.]

**Kobach Thinks “Illegal Immigration and Election Fraud Are Turning the Country Into a Socialist Republic.”**

**He Said, “Illegal Immigration Is Perpetuating a Liberal Agenda Because Immigrants, Who Are at the Bottom in Income Earnings, Are ‘a Dependency Class’ That Tends to Vote for Expansion of Welfare Services,” and That “Voter Fraud Is Also ‘Forcing the Socialist Yoke on the American Public’ Because It Ensures Democrats Win Every Close Election.”**

“Illegal immigration and election fraud are turning the country into a socialist republic, Kobach told those gathered for the Tea Party who expressed frustration over increasing taxes. Kobach, who has litigated against illegal immigration since 2004, said illegal immigration is perpetuating a liberal agenda because immigrants, who are at the bottom in income earnings, are ‘a dependency class’ that tends to vote for expansion of welfare services.”

“‘The best way to secure a socialist Congress is tip the scales,’ he said. ‘What better way to tip the scales than to create 11.3 million new voters who will vote for expanded Welfare services.’

Voter fraud is also ‘forcing the socialist yoke on the American public’ because it ensures Democrats win every close election, Kobach said.

Like fraud that occurred before the Civil war with Missourians crossing the border to vote in Kansas elections, a similar thing is occurring with Acorn, he said. Acorn has been convicted in 14 states of voter fraud, and election fraud has been reported in Kansas, he said.” [Ryan D. Wilson, “Secretary of State Candidate Promises Change in Election Law Enforcement to Fight Illegal Immigration, Fraud,” *Clay Center (KS) Dispatch*, March 1, 2010.]

**Kobach Thinks the “Erosion of State Powers” Is Turning the United States Into a Socialist Country.**

**He Implied That He Opposed a Congressionally Mandated National Drinking Age and Believes Legislation That Created a National Drinking Age Was One of the Biggest Mistakes Congress Ever Made, Because It Eroded State Powers.**

Kris Kobach thinks the “erosion of state powers [is] turning us socialist.”

“Three turning points began the erosion of state powers, Kobach said – in 1913, when senators became directly elected rather than appointed by state legislatures, in 1937 when the Supreme Court changed Congress’s commerce power to allow ‘anything that could possibly affect interstate commerce,’ [and] in 1987 when Congress forced all states to adopt a national drinking age by withholding highway funds and the Supreme Court ruled ‘it was okay to use the spending power to extort compliance from the states.’ Kobach said the country is at a fourth turning point of more erosion of state rights with Congress attempting to force every American to buy health insurance.” [Ryan D. Wilson, “Secretary of State Candidate Promises Change in Election Law Enforcement to Fight Illegal Immigration, Fraud,” *Clay Center (KS) Dispatch*, March 1, 2010.]

**Kobach Thinks Welfare Has Become as Luxurious as a “King-Size Bed. You Just Sort of Lay There and You Don’t Feel Any Urge to Get Up Off the Net. It’s Time to Make the Threshold Higher,” He Said.**

Kris Kobach, in 2014, said, “I think the whole country needs to raise the threshold for getting on food stamps and welfare, not advertise to get more people on welfare. I mean, the whole point is this used to be a country where you wanted to be independent,” but it has “gone from a safety net to a safety king-size bed. You just sort of lay there and you don’t feel any urge to get up off the net. It’s time to make the threshold higher.” [*The Kris Kobach Show*, KMCO, January 12, 2014.]

**Kobach Thinks, “The Level of Taxation in This Country Is Tantamount to Slavery.” However, When Kobach Was on the Overland Park City Council He Voted to Raise Numerous Fees and Taxes.**

Kris Kobach, in 2014, said on his radio show, “The level of taxation in this country is tantamount to slavery because you’re effectively working for the government for about a third of the year.” [*The Kris Kobach Show*, KMCO, February 16, 2014.]

The following month he said, “your income, my income, it’s owned by the government. We don’t have a right to our income. They can tax whatever percent they want...and of course, this is all slavery. The free labor movement that emerged in America after the end of slavery with the 13<sup>th</sup> Amendment and the end of the Civil War was all about what Americans thought we were getting, and that is, ‘oh, finally, every human being owns the fruits of his labor.’ Well, then fast forward 60 some years and you have the income tax, and suddenly again, we don’t own the fruits of our labor. In fact, we’re working for the government.” [*The Kris Kobach Show*, KMCO, March 30, 2014.]

In October 1999, Kobach voted to raise the price of a season pool pass for Overland Park families by \$10. At that same meeting, he supported a 25 percent across-the-board increase in fees for rezoning applications and special-use permits, often paid by developers and businesses. In 2000, Kobach voted to raise annual fees for health permits by \$25 for restaurants. He also voted to increase the price of a round of golf by \$5 on the weekends. Kobach also voted for an approximately 31 percent increase in the city’s so-called excise tax on new development.” [Brad Cooper, “Kobach’s Record Includes Tax Cuts, but Fee Increases Council Votes also Death with Regulations,” *Kansas City (MO) Star*, October 20, 2004.]

**Kris Kobach on Civil Rights and Race Relations**

**Kobach, in 2013, Said on His Radio Show, “Seems to Me You Ought to Be Able to Deny Someone Service If You Want To.”**

Kris Kobach, in 2013, said on his radio show during a discussion on gay rights, “seems to me you ought to be able to deny someone service if you want to. Now, we should all know this, and that is the Civil Rights Act of 1964 said you cannot deny a person – and this is a federal law – and at the time it was very much in dispute whether Congress even had this power.” [*The Kris Kobach Show*, KMCO, December 8, 2013.]

#### **Kobach Is Unhappy That Civil Rights Laws Are Not Being Used to Protect the Rights of White Americans.**

When a caller on Kris Kobach’s radio show in 2015 said Attorney General Eric Holder ignored crimes committed by the Black Panthers, Kobach responded, “he did more than ignore it. He basically made it true and gave us a clue through various public statements that the civil rights laws were only to protect minority races, and he was not going to be enforcing them to the benefit of white people who were discriminated against on the basis of their race.” [*The Kris Kobach Show*, KMCO, March 1, 2015.]

#### **Kobach Thinks Obama Intentionally Tried to Make Race Relations Worse in the United States.**

Kris Kobach, in 2014, said, President Obama “could have been the president who rebuilds race relations in America, but he didn’t. He squandered that opportunity.” Kobach continued, “there’ve been several racially charged events that have happened during Obama’s presidency, beginning with the beer summit. You remember the African American professor and that whole issue, but in each one of these events, Barack Obama missed the opportunity to repair race relations, and instead he exacerbated. He picked at the scab. He scraped to try to make race relations worse.” [*The Kris Kobach Show*, KMCO, December 7, 2014.]

#### **Kobach Implied That Liberals Think White People “Probably Need to Be Despised a Little Bit by the Government.”**

Kris Kobach, in 2015, said, “my hypothesis is...liberals...have defined the world so your race matters. The government has to consider your race now. In fact, if you are of a certain race, you are to be applauded and given advantages by the government, and if you are of a different race, you are not to be given advantages, and you probably need to be despised a little bit by the government. See, that’s not the way our constitution is, but that’s the way liberalism, with its predilection for affirmative action, has made our government very race-conscious.” [*The Kris Kobach Show*, KMCO, June 21, 2015.]

#### **When a Caller on His Radio Show Said “I Can See” Word Coming Down From Obama “That There Just Won’t Be Any Prosecution of Black Criminals,” Kobach Responded, “I’ve Learned to Say With This President, Never Say Never.”**

#### **Kobach Then Attacked Those Who Criticized His Response by Saying Their Reaction Is Close “To What the Chinese Communists Demanded During the Cultural Revolution.”**

When a caller on Kris Kobach’s radio show in 2015 said “I can see” word coming down from President Obama “that there just won’t be any prosecution of black criminals,” and “I don’t think I’m nuts for envisioning it,” In his response, Kobach said, “I think it’s unlikely, but I’ve learned to say with this president, never say never.” [*The Kris Kobach Show*, KMCO, March 1, 2015.]

When Kris Kobach was criticized for these remarks on prosecuting black criminals he responded, “this is so closely akin to what the Chinese communists demanded during the Cultural Revolution. It’s scary, and I would wager that most of the left wing nut jobs who criticized me...haven’t even heard of the Cultural Revolution.” Kobach said that “under Chairman Mao there was a period of denunciation, and it was called struggles. These things were called struggles where they would publicly denounce someone whose views were not politically correct.”

Kobach continued, “And get this: If you didn’t participate in the denunciation, then you too were a capitalist roader. That was one of their favorite terms of the period. And you, too, would be denounced. So you had to denounce the person who had unacceptable views. And if you didn’t denounce, then you, too, were unacceptable. That was the evil of the cultural revolution, where you had to denounce people who had unacceptable views. What has the left been saying this past week? They’ve been saying that, ‘Kris Kobach is bad and he’s wrong, and it’s horrible what he’s done because he hasn’t denounced a caller to his show. He hasn’t humiliated the caller to his show, and therefore Kobach must share the same views. And he has to denounce.’” [The Kris Kobach Show, KMCO, March 8, 2015.]

### **Kobach Criticized the Federal Government For Using Incentives to Encourage Local Governments to Put Cameras on Police Officers.**

Kris Kobach, in 2015, said, President Obama “constantly seems to be flirting with nationalization of the police forces in a sense that he wants to be putting cameras on all the police forces. He wants to have massive federal grants that make the local cops dependent upon the feds, and therefore they have to tow the line and have to adopt certain policies consistent with the feds if they want to keep feeding at the trough.” [The Kris Kobach Show, KMCO, January 4, 2015.]

### **Kobach Agreed With Someone Who Called Senator Elizabeth Warren “Princess High Cheek Bones” and “War Paint Warren.”**

When Kris Kobach on his radio show mentioned that Senator Elizabeth Warren “claimed to be Native American” a caller said, “Yeah, Princess High Cheek Bones.” Kobach responded, “yeah, yeah. Exactly.” The caller then said, “War Paint Warren,” to which Kobach responded, “War Paint Warren,” and laughed. [The Kris Kobach Show, KMCO, June 21, 2015.]

## **Kris Kobach on Gay Rights and Reproductive Choice**

### **Kobach Is Anti-gay Marriage. He Compared Gay People to Drug Users and Polygamists and Thinks Businesses Should Not Have to Serve Gay People, Just As They Do Not Have to Serve Someone Who Is “Disheveled and Smelly and Unkempt” and Someone Who Is “Saying Things That Were Offensive.”**

### **He Said He Thinks Having to Serve Gay People Is “Almost Like Servitude.” This “Seems Dangerously Close to Slavery, or Some Sort of State-forced Slavery,” He Said. He Supported the Law in Indiana That Allowed Businesses to Discriminate Based on Religious Beliefs.**

Kris Kobach, in 2004, advocated for “the immediate adoption of a constitutional amendment that would ban same-sex marriage.” He said “that allowing gay marriage would open a floodgate of litigation and destroy the institution of marriage.” [Brad Cooper, “Ambitious Kobach Seeks Seat in House, Drive to Succeed Appeared Early,” *Kansas City (MO) Star*, July 12, 2004; and Bill Draper, “Ministers Rally to Push Effort Against Lawmakers,” *Associated Press State & Local Wire*, June 3, 2004.]

Kris Kobach, in 2012, opposed a proposed amendment at the Republican platform committee that would “amend the traditional marriage section to say that every American should be treated ‘equally under the law’ as long as they are not hurting anyone else.” Kobach opposed it “on the ground that government routinely regulates behaviors like drugs and polygamy. ‘We condemn those activities even though they’re not hurting other people, at least directly,’ he said.” [James Hohmann, “GOP Platform Team Rejects Civil Unions,” *Politico*, August 21, 2012.]

Kris Kobach, in 2013, said on his radio show, “once gay marriage is legalized and once the legalization of gay marriage spreads, you’re going to have judges saying, ‘well, then polygamist marriage is fine, too,’ because if you can redefine the marital relationship so it’s no longer one man, one woman, and you can

redefine it to mean one man, one man, then there's no logical reason why you can't redefine the marriage relationship to mean one man, 4 women or one woman, 4 men." [*The Kris Kobach Show*, KMCO, December 15, 2013.]

Kris Kobach, in 2013, said on his radio show, "you would think a private business would have the right to refuse service to anyone for any reason. Heck, I would think if I walked into a bakery and I was disheveled and smelly and unkempt, they could say, 'Sorry, bud. We're not going to serve you.' Or if I came in without shoes on they could say, 'Sorry. Breakin' our rules. We don't need your business today.' Or if I came in perfectly well-groomed and was saying things that were offensive to the baker, he could tell me to please leave his shop.

But if you do something that gets in the forbidden holy grail of gay rights, you're in trouble. You're in trouble if you do that. Anything that's objectionable that regards homosexuality as something you disagree with, you better keep your mouth shut." He later continued, "I guess all bets are off if you declare that you're gay. You could walk in there and demand anything you want, apparently, because, you know, all religious freedom has to yield to the homosexual individual making a request."

Kris Kobach said he thinks "it's almost like servitude, you know, the idea that anybody can be forced to provide a service for a customer they'd rather not." This "seems dangerously close to slavery, or some sort of state-forced slavery." [*The Kris Kobach Show*, KMCO, December 8, 2013.]

Kris Kobach, on March 29, 2015, spent approximately one hour on his radio show explaining the virtues of the law in Indiana that allowed businesses to discriminate based on religious beliefs. [*The Kris Kobach Show*, KMCO, March 29, 2015.]

### **Kobach Thinks Roe V. Wade and the Supreme Court Decision That "Legalized Same-Sex Marriage Across the Country" Are Two of the Worst Supreme Court Decisions in Decades.**

#### **He Thinks the Decision That Legalized Same-Sex Marriage Nationally Could Lead to Legalized "Polygamy or Incestuous Marriages."**

I In 2015 "the U.S. Supreme Court ruled...in Obergefell v. Hodges that all states had to recognize same-sex marriages." It "legalized same-sex marriage across the country." [Steve Friess, "I Do Take 2," *Washington Post*, November 28, 2015; and James Nord, "South Dakota Governor Vetoes Law on Transgender Bathrooms," *Seattle Times*, February 1, 2016.]

Kris Kobach said Obergefell v. Hodges is "one of the worst Supreme Court decisions of our lifetimes." He thinks it is "just as bad" as *Roe v. Wade*. [*Joe Miller Radio Show*, KOAN, "Supreme Court Out-of-Control: 'One of the Worst Decisions of Our Lifetimes,'" YouTube audio recording, 10:00, posted July 1, 2015, <https://youtu.be/-U49g0n4tF8>.]

When a caller on Kris Kobach's show in 2015 asked in reference to the Obergefell v. Hodges decision, are "incest and polygamy...legal...because I can't see how they can stop any...kind of travesty as far [as] relationships go?" Kobach responded, "you're absolutely right." He continued, the Supreme Court is "going to have a hard time not going down that slippery slope," because "the principles of the decision work equally well in justifying polygamy or incestuous marriages." [*The Kris Kobach Show*, KMCO, June 28, 2015.]

### **Kobach Was Pro-choice in 2000. By 2004 He Supported "a Constitutional Amendment to Reverse the Nation's Abortion Laws."**

Kris Kobach, in 2000, "described himself as a supporter of abortion rights," stating, "I support a woman's right to choose an abortion in most circumstances" on "a candidate questionnaire from The Kansas City



Star.” During his 2004 congressional campaign, however, Kobach said “that he had ‘always’ been anti-abortion.” He said, “‘in 2000, I thought about this decision like a lawyer,’” but “‘in 2004, I think about it like a father.’” He said if he was elected to Congress “he can work toward a constitutional amendment to reverse the nation’s abortion laws.” [Steve Kraske, “Campaign Rivals Criticize Kobach’s Changed Stance on Abortion,” *Kansas City (MO) Star*, April 15, 2004.]

### **Kobach Opposes Embryonic Stem Cell Research Because He Opposes “the Destruction of Human Beings in Order for Their Pieces to Be Harvested.”**

Kris Kobach opposes embryonic stem cell research, which he described in 2004 as “the destruction of human beings in order for their pieces to be harvested.” [[Kansas Politics YouTube Channel, “Dennis Moore Kris Kobach TV Debate Kansas House District 3,” 10/22/2004](#)]

## **Kris Kobach on Early Childhood Education**

### **In 2015, Kobach Mocked the Notion of Daycare Standards and Subsidies. He Thinks Daycare Standards and Subsidies Would Create “the Communist Republic of America.”**

Kris Kobach, in 2015, said, “welcome to the Communist Republic of America because that’s what our president is doing. Cradle to grave care for you, the good citizen. Oh, even if you’re not a citizen, cradle to grave care for you, the good resident of the United States. As long as you respect the federal government you will have everything you need, and now we just got another component of the nanny state’s deliveries, and that was free or subsidized daycare. And not only that, the federal government is going to regulate it to make sure that it is really, really good daycare. And you know what that means, federal control of quote, unquote curricula that the daycare providers provide.” [*The Kris Kobach Show*, KMCO, January 25, 2015.]

## **Kris Kobach on Health Care and Mental Illness**

### **When a Caller on His Radio Show Said He Thinks Vaccinations Cause ADHD and Asperger’s Syndrome Kobach Did Not Dispute the Claim.**

When a caller on Kris Kobach’s radio show said he thinks vaccinations cause ADHD and Asperger’s syndrome Kris Kobach responded, “I hesitate to opine just because I don’t like expressing an opinion when I’m not sure, but you’re not the first person to say that.” [*The Kris Kobach Show*, KMCO, December 15, 2013.]

### **Kobach Thinks Obama’s “Real Goal Is to Increase the Dependency Class in America and ObamaCare Is One Critical Piece in That Puzzle.”**

Kris Kobach, in 2013, said in reference to ObamaCare, “I think the main goal was to get more Americans dependent on the federal government, and in this case dependent on the federal government for their healthcare.” He continued, “unfortunately, Obama is transforming America, and that’s what I think his real goal is. His real goal is to increase the dependency class in America and ObamaCare is one critical piece in that puzzle.” [*The Kris Kobach Show*, KMCO, November 10, 2013.]

### **Kobach Hosts Conspiracy Theorists as Guests on His Radio Show and Even Has Repeated a Conspiracy Theory About ObamaCare.**

Kris Kobach, in 2013, interviewed TWA Flight 800 conspiracy theorist Jack Cashill, who said on the show Flight 800 was “Bill Clinton’s Benghazi moment” and suggested that the Clinton administration covered up

something sinister about Flight 800 to protect the president's re-election chances. [*The Kris Kobach Show*, KMCO, July 21, 2013.]

"Young immigrants known as the 'Dream 9'...who were brought to the U.S. illegally as children, staged an unconventional and risky protest at the U.S.-Mexico border to spotlight the thousands of people deported under the Obama administration." A caller on Kris Kobach's radio show, in 2013, said the Dream 9 protest was "planned" by "somebody in the administration" to make it easier for people from Mexico to seek asylum in the United States. Kris Kobach responded, in part, "nothing surprises me now. This administration is so crazy." [Cindy Carcamo, "'Dream 9' Released from Immigration Detention," *Los Angeles Times*, August 7, 2013; and *The Kris Kobach Show*, KMCO, August 11, 2013.]

Kris Kobach, in 2014, repeated the refuted claim that ObamaCare includes a special tax on "certain equipment for archery and hunting." [*The Kris Kobach Show*, KMCO, January 12, 2014.]

#### **Kobach Thinks ObamaCare Could Be a Plot to Give the Federal Government All of Our Medical Records.**

Kris Kobach, in 2015, said, "we are just one short step away from the federal government having all of your medical records through ObamaCare." [*The Kris Kobach Show*, KMCO, January 4, 2015.]

#### **Kobach Criticized Providing Senior Citizens With Assistance Purchasing Prescription Drugs.**

Kris Kobach, in 2004, criticized a Republican prescription drug bill passed by Congress in 2003 and backed by President George W. Bush. He said that the "program was the largest federal entitlement since 'the days of LBJ [President Lyndon Johnson].'" [Jim Sullinger, "Drug Plan, Visas Enliven Debate," *Kansas City (MO) Star*, July 13, 2004.]

The bill added "prescription drug coverage to the federal health insurance program for the elderly, starting in 2006." [<http://www.cbsnews.com/news/bush-signs-medicare-bill/>]

#### **Kobach Thinks the Government Might Use Laws Designed to Keep Guns Out of the Hands of the Mentally Ill, to Keep Guns Out of the Hands of Healthy, Law-Abiding Americans.**

A caller to Kris Kobach's radio show, in 2015, said, "there are liberal doctors who might have an agenda," and "they could slide...in your record" that you are mentally ill. Kobach responded, "that is certainly possible...and in a state like New York...it could result in a knock on the door from someone wishing to confiscate your guns." [*The Kris Kobach Show*, KMCO, January 4, 2015.]

### **Kris Kobach on the Environment**

#### **Kobach Calls People Who Work at the United States Fish and Wildlife Service Enviro-Nazis.**

Kris Kobach, in 2014, said "Enviro-Nazis" can wreak havoc "if they decide to list a species as endangered." [*The Kris Kobach Show*, KMCO, February 23, 2014.]

According to the National Wildlife Federation, "Under the Endangered Species Act, the U.S. Fish and Wildlife Service oversees the listing and protection of all terrestrial animals and plants as well as freshwater fish." [<https://www.nwf.org/Wildlife/Wildlife-Conservation/Endangered-Species-Act.aspx>]

#### **Kobach Is a Climate Change Denier. He Thinks Global Warming Is a Scam and That a Lot of People Are Getting Rich From This "Religion."**

Kris Kobach, in March 2014, said on his radio show, “I just want to hear the explanation for how we could have the 3<sup>rd</sup> coldest winter in history if there has been profuse global warming occurring at a significant rate and level I should say, and it’s caused by man. How did that happen?” [*The Kris Kobach Show*, KMCO, March 2, 2014.]

Kris Kobach, in May 2014, said on his radio show in reference to global warming, “it’s increasingly becoming clear that it is a myth.” [*The Kris Kobach Show*, KMCO, May 25, 2014.]

A caller on Kris Kobach’s show in 2014 said, “global warming was a scam, a 100 percent scam. Somebody, Al Gore and company, took the normal cycling of weather, and they were essentially, you know going to take credit for the sun rising the next day, and in the process, they were going to make billions upon billions in carbon offset trading.” Kris Kobach responded, “yeah, exactly.” [*The Kris Kobach Show*, KMCO, November 23, 2014.]

Kris Kobach thinks worrying about global warming is catering “to the Enviro-Nazis.” [*The Kris Kobach Show*, KMCO, December 28, 2014.]

He thinks believing in global warming is a religion. He said, if you are a “believer in the global warming religion or the climate change religion, please, please come on the show and inform me.” He thinks this religion is making a lot of people rich. Kobach said in 2015, “a lot of the money is going into the pockets of the global warming profiteers. They’re out there running these foundations. They’re out there taking huge grants and getting paid very handsomely.” [*The Kris Kobach Show*, KMCO, January 4, 2015.]

## **Kris Kobach’s Ethics Issues**

**Kobach “Authorized Interior Construction Work on a Building He Owns . . . That Code Enforcement Officials Determined Was Forbidden Because of the Lack of Proper Permits.”**

**He Told the County “the Building Was Designed for Agriculture Purposes,” but County Inspectors Noticed “Interior Framing for Bedrooms, Kitchen Facilities and a Bathroom, as Well As Installation of an Air Conditioning Unit.”**

**As Such It “Exceeded Boundaries of an Agricultural Use Permit.” Kobach Reapplied “for a Permit That Would Comply With the County’s Building Codes.” Later That Year He Fell Behind on His Property Taxes and Was Listed As “Delinquent.”**

“Kris Kobach authorized interior construction work on a building he owns in rural Douglas County that code enforcement officials determined was forbidden because of the lack of proper permits.”

“The wood-and-metal structure on 159 acres was erected after Kobach signed an affidavit in June 2013 declaring the building was designed for agriculture purposes, including storage of a tractor, implements, seed, fertilizer and tools. A portion of the building would serve as a farm office, which might include a restroom if water service was obtained.

The project attracted attention of county inspectors in April [2014], when an electrical inspection revealed interior framing for bedrooms, kitchen facilities and a bathroom, as well as installation of an air conditioning unit.

Jim Sherman, director of zoning and code enforcement for Douglas County, said the field inspector red-flagged the inspection because that work exceeded boundaries of an agricultural use permit.”

“The county affidavit signed by Kobach...said in bold text the structure couldn’t be a ‘place of human habitation.’”

Douglas County Director of Zoning and Code Enforcement Jim “Sherman said the structure would be taxed by the county as a home rather than a farm building.” [Tim Carpenter, “Douglas County Mandates Residential Permit for Kobach’s Barn,” *Topeka Capital-Journal*, June 25, 2014.]

Kris Kobach then sought “a revised construction permit” for the “building in rural Douglas County after inspectors found the interior work exceeded the original scope.” He “reapplied in May [2014] for a permit that would comply with the county’s building codes.” [“Douglas County Flags Kobach Barn Permit,” *Associated Press State & Local Wire*, June 25, 2014.]

Kris Kobach, in 2014, “was delinquent on his property taxes [on this property] in Douglas County.” He “said he either missed the valuation notice or failed to receive it, and therefore missed the deadline for paying his property taxes.” He “paid the \$614.32 tax bill on...the same day the delinquent tax list was published in the newspaper.”

“The property in Lecompton Township between Topeka and Lawrence is a combination of wooded acreage and crop fields. Soybeans and wheat have been planted on the land and a modest orchard installed, Kobach said.” [*Kansas City (KS) Business Journal*, August 27, 2014; *Topeka (KS) Capital-Journal*, June 23, 2014; and *Wichita (KS) Eagle*, August 28, 2014.]

**“In 2013, the Kansas Legislature Passed and Governor Sam Brownback Signed a Bill That Would Protect Kansas-made Firearms” by Mandating “That Firearms Made and Sold in Kansas Can’t Be Touched by Federal Regulations. Kobach Helped Write the Bill, Testified in Support of It and Assured Lawmakers It Would Pass Legal Challenge.”**

**What Kobach “Failed to Mention Through All That Time” Is That He Is “a Principal Investor of Kansas-based Gun Maker, Minuteman Defense LLC,” Which Is Owned by “a Longtime Friend Who Has Contributed Significant Amounts of Money” to His Campaigns, and That This Legislation Created “a Specific Market for His Company’s Products.”**

**The Actions of Kobach “Are a Strikingly Clear Display of Crony Capitalism, Where Friends of Politicians Gain From Their Influential Connections, and Where Politicians Use Their Positions to Create and Pass Legislation That Yields Personal Gain for Themselves or Their Friends.”**

“It turns out that Kansas Secretary of State Kris Kobach isn’t just a gun enthusiast and stalwart defender of the Second Amendment. He’s a principal investor of Kansas-based gun maker, Minuteman Defense LLC.”

According to *The Hutchinson News*, “that investment, and Kobach’s potential for financial gain, makes his overt involvement in advancing a Kansas law that insulates Kansas-made firearms from federal regulations both questionable and contemptible.

In 2013, the Kansas Legislature passed and Gov. Sam Brownback signed a bill that would protect Kansas-made firearms. Through the cry of state sovereignty, the law mandates that firearms made and sold in Kansas can’t be touched by federal regulations. Kobach helped write the bill, testified in support of it and assured lawmakers it would pass legal challenge. He even rebutted U.S. Attorney General Eric Holder’s argument that the Kansas law was unconstitutional.

What the Kansas Secretary of State failed to mention through all that time, however, was his personal financial interest in the legislation and that he wasn’t simply acting on the behalf of Kansans concerned about their right to bear arms. Kobach’s support of the legislation and his work to guide the bill to passage

seemingly also was motivated by the need to create a specific market for his company's products and to ensure that his investment paid off.

Kobach's actions are a strikingly clear display of crony capitalism, where friends of politicians gain from their influential connections, and where politicians use their positions to create and pass legislation that yields personal gain for themselves or their friends. To that point, Kobach's business partner is a longtime friend who has contributed significant amounts of money to Kobach's campaigns."

"Kobach's actions, while legal, lack scruples. At the least, he could've been upfront with Kansans about his motivation for aggressively pushing the legislation; better still if he would've recognized the conflict of his support and allowed others to support the legislation." [Jason Probst, "Legislative Investment: Secretary of State Kris Kobach Blends Politics, Business," *Hutchinson (KS) News*, May 16, 2014.]

**"Kansas Secretary of State Kris Kobach's Campaign Was Fined \$5,000," Which Was the Maximum Possible Fine, by the Governmental Ethics Commission for Omitting "about \$35,000 in Contributions and Nearly \$43,000 in Spending from Reports Filed for the 2010 Campaign," Followed by a "Lack of Candor Before the Commission."**

"Kansas Secretary of State Kris Kobach's campaign was fined \$5,000...by the Governmental Ethics Commission for mistakes made in filing expense and contribution reports for the 2010 election.

The commission voted 7-2 to impose the maximum fine after questioning Kobach's campaign treasurer, state Rep. Tom Arpke."

"The complaint and subsequent fine stemmed from an audit that found the campaign omitted about \$35,000 in contributions and nearly \$43,000 in spending from reports filed for the 2010 campaign."

"Carol Williams, executive director of the commission, testified...that it was commission staff that first took the matter to the Kobach campaign. She said Arpke later conducted a full audit of the campaign's expenditures and contributions."

"Commission Chairwoman Sabrina Standifer said the maximum fine was imposed, in part, because the Kobach campaign maintained that it reported the omissions to ethics officials. 'The commission does not condone lack of candor before the commission,' Standifer said. 'This is in no way, shape or form self-reporting.'"

This was "the second time Kobach" was "associated with problems in campaign finance reports."

"In June [2010], after a two-year review, the Federal Election Commission found that the Kansas Republican Party had committed three violations of federal campaign finance laws in 2007 and 2008, when Kobach was chairman. The audit cited flawed record-keeping and reporting, but Kobach described the problems as technical." [*The Associated Press State & Local Wire*, 10/26/2011]

**Kobach's Congressional Campaign Went Years Without Filing Legally Required Campaign Finance Reports.**

In 2011, the Federal Election Commission notified Kris Kobach "that he has missing reports from his Congressional campaign" in 2004. "The last quarterly report for Kobach for Congress was filed in 2008. Since then, the FEC has issued eight failure-to-file-report notices to Kobach for Congress. Typically, a campaign report to the FEC details how money is disbursed when an account is closed. That report has not been filed for Kobach for Congress," *The Associated Press* reported in 2011. ["Kansas Elections Official Has Notices from FEC," *Associated Press State & Local Wire*, February 19, 2011.]

**When Kobach Was the Chair of the Kansas Republican Party "the State Party Accepted Illegal Contributions and Failed to Pay Both State and Federal Taxes."**

According to Chapman Rackaway, “an associate professor of political science at Fort Hays State University,” Kris “Kobach’s tenure as state GOP chair was a series of missteps, from an ill-advised loyalty oath to open infighting among the moderate and conservative wings. Most unflattering of all was the sloppy accounting work, which led to FEC investigations that revealed the state party accepted illegal contributions and failed to pay both state and federal taxes.” [Chapman Rackaway, “Kansas GOP Took Clear Step to the Right in Primaries,” *Leavenworth (KS) Times*, August 12, 2010.]

**A Federal Election Commission Audit Determined That When Kobach Was Kansas Republican Party Chair the State Party Committed Numerous Campaign Finance Violations, Including Overstating “Contributions It Had Received in 2008 by Almost 39 Percent.”**

““In June [2010], after a two-year review, the Federal Election Commission found that the Kansas Republican Party had committed three violations of federal campaign finance laws in 2007 and 2008, when Kobach was chairman. The audit cited flawed record-keeping and reporting, but Kobach described the problems as technical.” [[John Milburn, “Kobach 2010 Campaign Fines \$5K,” *Associated Press State & Local Wire*, October 26, 2011.]

The audit by the Federal Election Commission that “found the Kansas Republican Party committed three violations of campaign finance laws in 2007 and 2008” when Kobach was the chair concluded that “the Kansas GOP had inaccurately reported financial figures to the FEC, mishandled the reporting of some spending and mishandled a corporate contribution.”

“The audit said a \$10,000 corporate contribution legal under state but not federal law was deposited in the party’s federal account. The audit said the party, in response to auditors, resolved the problem by transferring the same amount from its federal to a state account.

Another audit finding involved \$20,123 in expenses covered by the Kansas GOP’s state funds. The audit said the party could not show that the spending, for items such as rent, phone services and office supplies, was only for state purposes. It said the party should have allocated a portion of those expenses to its federal account.

The audit also found that figures for fundraising and expenditures on Kansas GOP reports to the commission were incorrect. In fact, the FEC concluded that the party overstated the contributions it had received in 2008 by almost 39 percent. Auditors based their findings on a comparison of bank records with the party’s reports.” [John Hanna, “Final FEC Audit Notes Violations by Kansas GOP,” *Associated Press State & Local Wire*, June 9, 2011.]

**Kobach Made Someone Who Was “Admonished” for Actions Before the Kansas Supreme Court His Top Assistant in the Office of the Secretary of State.**

Kris Kobach, in 2011, made former Attorney General Phill “Kline’s former top deputy, Eric Rucker, as assistant secretary of state.”

“A state panel informally admonished Rucker in... [2010] for not correcting information provided to the Kansas Supreme Court about Kline’s abortion investigations. He initially was accused of more serious misconduct.” Kobach “said Rucker had been ‘completely exonerated’ when he appointed Rucker his top assistant.” He “said he doesn’t see the controversy surrounding Kline’s investigations of abortion providers as an issue and couldn’t find anyone more qualified to be his top assistant.” [John Hanna, “Kansas Governor-Elect Picks Top Staff Attorney,” *The Associated Press State & Local Wire*, December 29, 2010.]

## **In 2014 “the State of Kansas Spent More Than \$34,000 on Secretary of State Kris Kobach’s Failed Effort to Force Kansas Democrats to Field a Candidate in the Race for U.S. Senate.”**

In 2014 “the state of Kansas spent more than \$34,000 on Secretary of State Kris Kobach’s failed effort to force Kansas Democrats to field a candidate in the race for U.S. Senate.”

“The state paid Wichita-based Hinkle Law Firm to defend Kobach against a suit brought by Democrat Chad Taylor after Kobach ruled that Taylor would remain on the November ballot against his will. Kobach said Taylor had failed to properly comply with a statute by not explicitly declaring himself incapable to serve if elected. The Kansas Supreme Court rejected Kobach’s argument and ruled that Taylor’s name be struck from the ballot.

Taylor’s absence...[was] a boon to independent Greg Orman in the tight race for a U.S. Senate seat. Taylor accused Kobach of trying to keep him on the ballot as a way to help Republican U.S. Sen. Pat Roberts.”

“The state also retained Hinkle when it tried to intervene in a suit to force the Democratic Party to name a replacement candidate. The suit failed and Kobach’s motion to intervene in the case was thrown out by a Shawnee County District Court judge.

The state spent \$34,627.57 on the two cases.” It “was billed at a rate of \$295 an hour for the services of Bradley Schlozman,” and the state “reimbursed the firm almost \$600 for travel expenses.” [Bryan Lowry, “Kansas Spent More Than \$34,000 on Senate-race Litigation,” *Wichita (KS) Eagle*, October 27, 2014.]

## **APPENDIX B: ADDITIONAL BACKGROUND ON BRIAN NEWBY**

**Brian Newby Is a Kris Kobach “Ally.” When Newby Was the Johnson County Election Commissioner He Was a Kobach Underling. Newby Wrote, “I’m Extremely Proud to Be Affiliated” with Kris Kobach.**

Brian Newby, from January 2011 through November 13, 2015, was a Kobach underling. He “worked under Kobach as an elections official in Kansas’ largest county.” [*The Kansas City (KS) Star*, December 1, 2015; and Tierney Sneed, “Thwarted by the Courts, Kris Kobach Finds Yet aNother Way to Restrict Voting,” *Muckraker*, Talking Points Memo, February 12, 2016, <http://talkingpointsmemo.com/muckraker/kobach-proof-of-citizenship>.]

Brian Newby, according to The Winfield Daily Courier, is “an ally of Kobach’s.” [“Kobach Outflanks the Court of Appeals,” opinion, *Winfield (KS) Daily Courier*, February 9, 2016.]

Brian Newby, in May 2015, wrote, “I’m extremely proud to be affiliated” with Kris Kobach, who “gets his fingernails dirty in the nuts and bolts of elections operations as though he truly is one of us. It means a lot to all of us in the trenches that he knows how our voter registration system works as well as the drivers and restrainers we face.” [Brian Newby, “I Give You MINI ME (OC),” *Election Diary* (blog), May 10, 2015, <http://electiondiary-briandnewby.blogspot.com/2015/05/i-give-you-mini-me-oc.html>.]

**Newby Was “the Highest Paid Election Commissioner” in Johnson County History, yet He Described Himself as “a Poor Government Employee” and Complained That His “Compensation . . . Lagged Department Heads in the County’s Administration Building,” Including His Car Allowance. He Complained That His Car Allowance Was as Low as “a Manager in the Transit Department . . . Whose Job It Is to Get Persons to Ride the Bus.”**

When Brian Newby began his job as Johnson County election commissioner in 2005 the Johnson County “commission set Newby’s salary at \$85,000 a year – the top of the advertised range.” This made Newby “the highest paid election commissioner in county history,” yet in 2014 he described himself as “a poor



government employee.” [Finn Bullers, “Newby’s Salary Set at \$85,000, Election Chief’s Pay Tops Predecessor’s,” *Kansas City (MO) Star*, January 14, 2005; and Brian Newby, “We Need a Live Rooster,” *Election Diary* (blog), April 29, 2014, <http://electiondiary-briandnewby.blogspot.com/2014/04/we-need-live-rooster.html>.]

Later in 2014, Brian Newby complained in his blog “that the election commissioner compensation has lagged department heads in the county’s administration building. While there are around 30 departments and agencies at the county, the election commissioner isn’t among the top 100 paid county employees.” He continued, “by statute, the election commissioner is to have a monthly car allowance,” which in 2014 was “\$300, where it has been for more than 10 years. No department head eligible for a car allowance has one that low, but a few managers do, including a manager in the transit department. [So, yes, the car allowance is the same as it is for someone whose job it is to get persons to ride the bus.]” [Brian Newby, “Introducing Soon, a Special Guest,” *Election Diary* (blog), June 20, 2014, <http://electiondiary-briandnewby.blogspot.com/2014/06/introducing-soon-special-guest.html>.]

**In 2012, then-Johnson County Election Commissioner Newby Posted a Video in Which Someone Put an “I Voted” Sticker Roughly in the Middle of His Forehead and Said, “I Just Covered My Third Eye. In India I’d Be Very Popular Right Now. Look at That. I Love America.”**

In 2012, Brian Newby posted a video to YouTube that features a fictional character named Spanky Spinola. In this video there are numerous questionable comments by Spanky Spinola, including one in which he says after placing an “I voted” sticker roughly in the middle of his forehead, “I just covered my third eye. In India I’d be very popular right now. Look at that. I love America.” [Brian Newby, “Spanky Spinola Sample, YouTube video, 1:24, posted March 26, 2012, <https://youtu.be/d0WcFgVwiGQ>.]

**Under Newby’s Watch As Johnson County Election Commissioner Long Lines in Polling Places Became a Problem, Due to a Reduction in the Number of Polling Places.**

In November 2014 “at some Johnson County polling places, dozens of voters waited in lines as long as 30 minutes...said county election commissioner Brian Newby. Congestion was greater because the county...consolidated and reduced its number of polling places from about 250 during the 2012 presidential election to 183” in 2014. [Rick Montgomery, “Voter Turnout for Hot Kansas Race Tops 2010 Midterm; Missouri Lower,” *Kansas City (MO) Star*, November 4, 2014.]

**Newby Said in Johnson County “We Haven’t Had a Situation Where We’ve Seen” Undocumented “Immigrants Trying to Vote,” yet He Supported Kris Kobach’s Proposal to “Require Voters to Show... a Government Photo ID Each Time They Cast a Ballot.”**

**In 2011, Kobach Appointed Newby to a Task Force “to Ensure the Smooth Implementation” of His Legislation.**

In 2008, legislators in Kansas debated “tougher laws” targeting illegal immigrants, including “a requirement to show photo ID at the polls.” However, “election officials in Wyandotte and Johnson counties said they had not received reports of illegal immigrants trying to vote.” Brian Newby stated, “I hate to say it’s like urban legend, but we haven’t had a situation where we’ve seen it.” [David Klepper and Jason Noble, “Missouri and Kansas Are Pushing Tougher Laws on Illegal Immigration,” *Kansas City (MO) Star*, January 26, 2008.]

In 2011, Brian Newby testified at a Kansas state legislative hearing on the Secure and Fair Elections [SAFE] Act, which was Secretary of State Kris Kobach’s proposed “legislation to require voters to show a birth certificate or passport when registering to vote, and a government photo ID each time they cast a ballot.” He told lawmakers at the hearing that he supports “requiring more proof of identity for elections” and that “voter confidence will be increased if voters are required to show ID.” [David Klepper, “Kansas House Committees Study Sales Tax Increase, Voter ID,” *Kansas City (MO) Star*, February 1, 2011.]

The version of the SAFE Act signed into law requires “newly-registered Kansas voters...[to] prove U.S. citizenship when registering to vote,” and “voters must show photographic identification when casting a vote in person.” In addition, “voters must have their signature verified and provide a full Kansas driver’s license or non-driver ID number when voting by mail.” Kris Kobach, in 2011, appointed Brian Newby to the SAFE Act Task Force “to ensure the smooth implementation of” the SAFE Act. [Kris W. Kobach, “Kansas Secretary of State Kris Kobach Introduces the Kansas Secure and Fair Election (S.A.F.E.) Act, press release, January 18, 2011, [http://www.kssos.org/other/news\\_releases/PR\\_2011/PR\\_011811.html](http://www.kssos.org/other/news_releases/PR_2011/PR_011811.html); John Hanna, “Kansas House Sends Voter ID Bill to Governor,” *Associated Press State & Local Wire*, March 29, 2011; and *The Leavenworth (KS) Times*, July 15, 2011.]

In 2013, Brian Newby “said about 2000 people may be in for a surprise next time they try to vote. Their voter registration applications are in a suspended state until proof of citizenship is presented.” He said, “technically these individuals are registered, but not in our registration totals until we get their proof of citizenship document.” [Laura McCallister, “One-third of Kansas Voter Registration Applications ‘in Suspense,’” *KCTV5-News (KS)*, June 25, 2013, <http://www.kctv5.com/story/22682923/one-third-of-voter-registration-aps-in-suspense>.]

**Election Assistance Commission (EAC) Executive Director Brian Newby, in January 2016, “Decided... That Residents of Alabama, Kansas, and Georgia Can No Longer Register to Vote Using a Federal Form Without Providing Proof of U.S. Citizenship.”**

**Newby “Said the Move Was Prompted by a . . . Letter from Kobach’s Office Requesting the Addition of the Citizenship Documentation Requirements to the Federal Form.” Newby “Defended His Decision as a Routine Administrative Action” and Insisted “It Was Within His Authority.”**

In January of, 2016, EAC Executive Director Brian Newby “decided... that residents of Alabama, Kansas and Georgia can no longer register to vote using a federal form without providing proof of U.S. citizenship.” Newby “said the move was prompted by a Nov. 17 [2015] letter from Kobach’s office requesting the addition of the citizenship documentation requirements to the federal form.” Newby “defended his decision as a routine administrative action” and insisted “it was within his authority.”

EAC Commissioner Thomas Hicks, who opposed this change, “posted a blistering statement on the agency’s website.” He said “that Newby’s action constitutes a policy change that should have been taken up by the commission and approved by at least three of four commissioners.”

ACLU of Kansas Executive Director Micah Kubic stated, “there is a reason EAC has held the position that it did for so many years, which is that there should be one standardized federal form.” He continued, “the way this was done in secret, unilaterally, without consultation, without public review and comment, without any of the normal processes and procedures that would be used for a dramatic change in policy like this, makes it all the more shocking and brazen and wrong.” [Roxanna Hegeman, “U.S. Official Requires Citizenship Proof in 3 States,” *Associated Press State & Local Wire*, February 4, 2016.]