

STATE OF INDIANA )

IN THE VIGO \_COUNTY\_\_COURT

) SS:  
COUNTY OF VIGO )

DIVISION \_\_\_\_\_

CAUSE NO. \_\_\_\_\_

STATE OF INDIANA

AFFIDAVIT OF PROBABLE CAUSE

VS.

FRANCISCO AGUILAR ROMERO

I, Kurt B. Spivey, an Indiana Certified Law Enforcement Officer duly employed as Director of Investigations for the Indiana Attorney General's Office, swear or affirm that on, about or during the time span of October 2022 and the 5<sup>th</sup> day of November 2024, in Vigo County, Indiana, the above-named person committed the crime(s) of:

- 3-14-3-1.1. False, fictitious, or fraudulent voter registration applications and ballots.
- 3-14-2-9. Ineligible voter knowingly voting or offering to vote.
- 35-44.1-2-1. Perjury.

1. On July 14, 2026, I received information of several people who the Indiana Secretary of State's Office identified as undocumented non-citizens who voted in Indiana elections. On that list was the name of Francisco Aguilar Romero, a resident of Terre Haute, Vigo County, Indiana. Documents provided by the Secretary of State's Office showed that Romero, confirmed to be a non-citizen, with DACA Status (Deferred Action for Childhood Arrivals) voted illegally in the following Indiana elections:
  - a. 2018 General Election, Vigo County, Indiana
  - b. 2019 Municipal Election, Vigo County, Indiana
  - c. 2020 General Election, Vigo County, Indiana
  - d. 2022 General Election, Vigo County, Indiana
  - e. 2023 Municipal Election, Vigo County, Indiana
  - f. 2024 General Election, Vigo County, Indiana
2. Romero was born in Mexico. He entered the United States illegally and was later given deferred action status through the DACA program. Previously, he resided in California, until later moving to Terre Haute, Indiana. Romero, who is 41 years of age, has been in Indiana since 2006. Upon arrival in Indiana, he was over 18 years of age. Romero received an Indiana Learner's Permit in 2013, but did not register to vote until 2018, refraining from voting for 12 years.
3. I took several steps to identify Mr. Romero, locate a possible residence, and create an investigative case file. This included obtaining his Bureau of Motor Vehicles (BMV) information, which contained a photograph.

4. On July 31, 2026, I was accompanied by Deputy Director Craig Stewart and Investigator Todd Vansickle to Terre Haute, Indiana to conduct an interview of Romero. After monitoring his residence, I switched my focus to his workplace. Stewart, Vansickle and I entered the local grocery/market where he is employed and located Romero working in the fresh food/deli area. He was immediately identifiable from his BMV photo. I asked to interview him, and he agreed on his own accord, with the understanding that it was a consensual conversation. The interview was conducted in my vehicle for privacy purposes. It was audio recorded and Deputy Director Stewart was present for the interview. Romero was not under arrest, was not detained and he was advised several times that he was free to go and that he didn't have to talk to us. Romero agreed to talk to us and did so freely. Romero stated he had a DACA/Immigration attorney but did not request to have an attorney with him during questioning. Romero indicated that he had already been interviewed by a Special Agent of the Federal Bureau of Investigations (FBI) and an Indiana State Police (ISP) Detective on a previous occasion for the same Voter Fraud allegations.
5. Romero was questioned about his voter registration and voting in Indiana elections and he freely admitted to both. He stated that he voted at the downtown mall in Terre Haute, possibly named the Town Square Mall, later determined to be Haute City Center and/or Booker T Community Center.
6. Records confirm that on February 13, 2018, Romero registered to vote at the Terre Haute Bureau of Motor Vehicles branch by completing the Voter Registration (VRG) form which required fields to be populated with specific information. The fields were system generated (typed), not handwritten. Then on August 17, 2023, Romero registered, amended or reverified his Voter Registration information at the Terre Haute BMV branch.
7. The registration forms from 2018 and 2023 both specifically ask the question, "Are you a *citizen of the United States*," which is followed by one box for "YES" and one for "NO". On both forms Romero completed, the "YES" box is checked.
8. Just below the above-mentioned question are a series of statements and a box for the customer's affirmation by signature. The statements read as shown below:

*I authorize my voter registration at any other address to be cancelled. I swear or affirm that:*

- *I am a citizen of the United States.*
- *I will be at least 18 years of age at the next general or municipal election.*
- *I will have lived in my precinct for at least 30 days before the next election.*
- *I am not currently in prison after being convicted of a crime.*
- *All the above information and all other statements on this form are true.*

*I understand that if I sign this statement knowing that it is not true, I am committing perjury and can be fined up to \$10,000, jailed for up to three years or both.*

9. Both the 2018 and 2023 VRG documents have Romero's signature on them, affirming the above statements. During the interview, Romero stated that he simply signed when advised to sign and that he was not provided with the information on the form and he did not fill out any of the information himself. He said that he did not know the box was checked saying he was a US Citizen. He claims that on both

occasions, he advised the BMV employees that he is not a US Citizen. Romero indicated that he asked at the BMV if he was eligible to vote. He claims to have spoken to several supervisors at the BMV and that after providing his DACA documentation, SSN and license, they stated that he could vote. He stated that he then received a voter registration card in the mail and took it with him to vote. He stated that he went to the polls, presented his ID and voter registration card and was allowed to vote.

10. On August 11, 2026, I spoke to FBI Special Agent Kerri Inglis who had previously been assigned to the same investigation. Agent Inglis informed me that she had interviewed the BMV employees at the Terre Haute branch of the BMV along with the branch manager. Agent Inglis indicated that none of the employees whom she spoke to had any knowledge of any prior interactions with Romero. She also explained that the United States Attorney's Office declined to pursue the case. The case had also been introduced to the Vigo County Prosecutor's Office by Indiana State Police Investigators. At this point, I had received the case information Agent Inglis could provide and continued with the Investigation.
11. On September 11, 2026, I spoke to Matthew Kestian, General Counsel for the Bureau of Motor Vehicles. Mr. Kestian, who has direct knowledge of this matter from the initial FBI investigation, again confirmed that none of the employees of the BMV remembered any exchanges or interactions with Romero.
12. On September 11, 2026, I spoke to Elizabeth Stiverson and Jennifer Lewis of the Vigo County Clerk's Office. Elizabeth Stiverson explained the voting process for Vigo County. They printed and provided me with Mr. Romero's voter documentation, via the Indiana Statewide Voter Registration System.
13. In 2025, Indiana enacted into law Proof of Citizenship Requirements, IC 3-7-38.2-7.3. Under this law, Form Letters (VRG-26) were sent out to those who were identified as someone who needed to provide verification of citizenship. The Secretary of State's Office verified that their office sent a copy of the VRG-26 to Romero.
14. On September 11, 2026, I spoke to Bob Lawson of the Vigo County Voter Registration Office. Lawson recounted how Romero entered his office to provide proof of US Citizenship. He described how Romero provided a Mexican Passport as proof of citizenship. Lawson told Romero that he believed what he presented was insufficient proof of citizenship, but he would copy it and send it through for further determination.
15. When asked at the BMV, Romero had the opportunity to decline to register to vote. Instead of declining, he did register on February 03, 2018, and then confirmed and/or updated his registration on August 17, 2023. I was provided with documents that showed on both occasions the VRG-7 registration form, specifically BOX 10, which asks, "Are you a citizen of the United States of America"? is marked "YES". Mr. Kestian also confirmed the only two questions verbally asked by the BMV Customer Service Representatives when someone is registering to vote are "Are you a US Citizen" and "Will you be 18 years of age on or before election day"? Each form also contains Mr. Romero's signature in the appropriate box. Mr. Kestian

also confirmed that submitting Voter Registration is voluntary and not mandatory. Mr. Kestian stated that when a customer at the BMV opts to register to vote, they receive a paper copy of the form and sign that copy. The customer then signs for a second time on an electronic pad. A copy of the handwritten signature and the electronic pad signature are collected, but only the electronic pad signature is forwarded to the county clerk's office. This description of the standard BMV procedures is in contradiction to Mr. Romero's claim that he never saw a copy of this document.

16. I requested more information from the FBI regarding the FBI's interviews with BMV employees. I was provided with copies of the FBI/ISP summaries of the interviews and was able to review them in preparation to personally conduct follow-up interviews. The initial interviews appeared to be thorough and well documented.
17. The documentation of the FBI/ISP interviews indicated that none of the prior employees had a direct memory of Francisco Aguilar Romero and did not remember specific interactions with Romero. When presented with a photograph of Romero, none of the prior or current employees recognized or remembered Romero. It was also documented that none of the employees had knowledge of the DACA Program. One employee was familiar with the term DACA but had no understanding of DACA and misquoted the meaning of DACA.
18. According to the FBI/ISP summaries, the BMV employees said that on average each employee sees 30-40 customers per day.
19. On September 24, 2026, I spoke with Dena Pastorius, who was a BMV employee (22 years) at the Terre Haute branch in 2018 when Romero originally registered to vote. During the interview, she was able to recall the procedures of the BMV at the time, and she was able to recall who else worked at the Terre Haute branch at the time. In 2018, she was the Assistant Branch Manager. When asked, she remembered being interviewed by the FBI and ISP in 2025 but had no direct memory of Romero. She was able to explain the procedures used in 2018 and explained that Romero would have been presented with a paper copy of the registration paperwork. This statement was again in direct contrast to Romero's statement that he was not provided with any documentation and was not able to view what he signed.
20. On October 7, 2026, I conducted an in-person, recorded interview with Mr. Kestian, the Terre Haute Branch Manager Jackie Hicks and the Assistant Branch Manager Tabbie Holland. Hicks has been at that branch since 2019 and Holland has been there since 2021. Neither were there when Romero originally registered in 2018, but both were employed there in 2023 when Romero re-registered.
21. Both Hicks and Holland said they had no recollection of Romero, stating that the Terre Haute Branch services between 250-500 customers a day and processes about half of them for voter registration. I showed both a six-pack photo array which contained an image of Romero. Neither recognized nor identified him. They are familiar with the investigation from the interview conducted by the FBI/ISP in 2025.
22. They went into detail describing the Voter Registration Process for a customer. The BMV Customer Service Representative (CSR) has a visual of the computer monitor

as they process the registration forms. The Customer cannot see the activity on the screen and has no visible display of electronic documents. The only item in front of the customer is the signature pad, which has no display capabilities.

23. During the process, the CSR will routinely ask two questions. 1) Are you a US Citizen, and 2) Are you 18 years of age. The customer only answers verbally with no visual of the questions or answers. The appropriate box is then checked by the CSR, and the form populates to the next screen or next frame. If the answer is "YES," the system requires completion of the Voter Registration process. If the customer states they are not a US Citizen, as Romero claimed to have declared, then the voter registration options would not have populated on the screen for the CSR to complete.
24. After completion of the process, the forms are then printed and given to the customer. The CSR identifies an isolated signature box that is accompanied by seven questions/statements. The first is "Are you a citizen of the United States of America?". The last item is a statement that says "All the above information and all other statements on this form are accurate. I understand that if I sign this statement, knowing that it is not accurate, I am committing perjury and can be fined up to \$10,000, jailed up to three years or both." Romero signed this block on the voter registration document that he was provided.
25. Romero's voter registration form dated August 17, 2023, is signed by Romero in the registration box and the document is signed in another signature box on the other side of the document. Each signature seems to be slightly different from the other, but they appear to be the same signature, by the same person. When asked, Hicks and Holland both stated that the signatures are signed by hand, by the customer, not electronically or digitally.
26. Hicks and Holland both stated that Romero would have had to verbally claim to be a US Citizen. He would then have the opportunity to decline registration, as he did in February 2020, April 2021, September 2021, September 2024 and May 2025 during other visits to the BMV. Hicks and Holland confirmed that declining the registration does not nullify active registrations, it is just a denial of changes. Romero continued to vote.
27. I ended the interview by asking if it was feasible for Romero to complete the voter registration process without seeing a document and without knowing what he was signing. Hicks answered no, saying, "I feel it is fool proof, they go over it twice". Hicks and Holland again confirmed that the paper documents are provided and signed by hand.
28. Romero, who is now 41 years of age, has been in this country and dealing with the U.S. immigration system for more than 23 years. During my interview with Romero, he demonstrated extensive involvement, familiarization, and knowledge about the immigration and citizenship system, which makes it more likely for him to know that non-citizens cannot vote in Indiana.
29. I contacted U.S. Immigration and Customs Enforcement (ICE) to obtain information about Romero's immigration status and any activity in which he engaged to obtain citizenship. The response from ICE advised that Romero has taken no steps to

obtain citizenship since he was a juvenile. Individuals with DACA status cannot be directly granted citizenship without taking certain steps. ICE advised that Romero could have applied for a I-601A waiver (to avoid the standard 3-10 year re-entry bar that would impede any effort to seek citizenship) and then obtain permanent resident status (Green Card). Then, after 5 years, Romero would be eligible to apply for citizenship. The fact that Romero did not initiate this process suggests that Romero put more effort into voting illegally than into taking the steps to vote legally.

30. It is probable and reasonable that Francisco Aguilar-Romero violated Indiana Code 3-14-2-9 – Felony 6, Vote Fraud - Unregistered or Unauthorized Voting when he knowingly and intentionally voted as an unauthorized non-citizen in the 2022 General Election, The 2023 Municipal Election, and the 2024 General Election.

31. It is also probable and reasonable that Francisco Aguilar-Romero violated Indiana Code 3-14-3-1.1 - Felony 6 by knowingly submitting a false, fictitious, or fraudulent Registration Application. He did so when he completed the voter registration application at the BMV on August 17, 2023, knowing it would be submitted to the Vigo County Clerk's Office.

32. All events occurred in Terre Haute, Vigo County, Indiana.

Pursuant to IC 35-34-1-2.4, I affirm, under penalty for perjury as specified by IC 35-44-2-1, that the forgoing representations are true.

Date: 10/20/26 Kurt B. Spivey; \_\_\_\_\_

The State of Indiana, by the Prosecuting and/or Deputy Prosecuting Attorney for Vigo County, request the Court find probable cause for the warrantless arrest of the above named individual and request 72 hours to determine what, if any, formal charges shall be filed in this matter.

*/s/ Aaron M. Ridlen*  
Special Deputy Prosecutor  
Vigo County, Indiana

### ORDER

The Court, having considered the above affidavit of probable cause, hereby finds that probable cause:

\_\_\_\_\_ does not exist, and the arrested person shall be released from custody forthwith or  
\_\_\_\_\_ does exist for the above-named arrested person arrested and said person shall be detained pending his/her appearance in the Vigo Superior Court or Terre Haute City Court during said Court's next regularly scheduled session for hearing criminal matters, unless the person posts bond under the weekend and Holiday Criminal Bond Ordered.

Further, the Court grants the State’s request for 72 hours to file formal charges in this matter.  
This matter shall be scheduled for Initial hearing on \_\_\_\_\_ at \_\_\_\_\_ in Vigo  
Superior Court Division .  
SO ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 2026 at \_\_\_\_\_ o’clock \_\_\_\_\_ .m.

\_\_\_\_\_  
, Judge  
Vigo Superior Court Division