



February 5, 2018

ACRU Election Integrity Bulletin

LEAD STORY

After ACRU Lawsuit, Second Voter Fraud Arrest Made in Texas Border Investigation

Police in South Texas arrested a second person in the Starr County DA's growing voter fraud investigation. The suspect allegedly submitted a ballot by mail application for a deceased voter. Starr County District Attorney Omar Escobar's voter fraud investigation led to charges being filed against 37-year-old Erika Lozano-Pelayo. Escobar confirmed to the Brownsville Herald that his office filed charges of election fraud and fraudulent application for ballot by mail. Starr County is located west of McAllen, Texas along the U.S.-Mexico Border. The Starr County Elections Department found that a ballot application submitted by Lozano-Pelayo was for a voter who had previously died, yet remained on the voter registration rolls. The voter died in early December, the local newspaper reported. The application was signed after the voter's death and was mailed in January. Note: A lawsuit was filed by the American Civil Rights Union (ACRU) in 2016 which alleges that the county was violating the National Voting Rights Act by failing to keep an accurate list of registered voters.

<http://www.breitbart.com/texas/2018/02/03/second-voter-fraud-arrest-made-texas-border-county-investigation/>

FEDERAL

ACRU Files Amicus Brief in Support of Emergency Stay with Supreme Court in the Case of *North Carolina v. Covington*.

ACRU tells the Court that the district court undermined judicial credibility by imposing a last minute legislative map on North Carolina, using a series of highly novel factual findings and legal theories. ACRU asserts the district court has now taken over primary responsibility from the General Assembly for redistricting and fully plunged into the political thicket.

<http://www.theacru.org/wordpress/wp-content/uploads/2018/02/18.02.02-Amicus-Brief-Final-signed.pdf>

Secretaries of State Call Court Ruling a Case of Unprecedented Overreach

A ruling by a federal three-judge panel in the *Covington v. North Carolina* legislative redistricting lawsuit threatens to upset state election laws on a national scale through unprecedented court overreach, eight secretaries of state say in a legal filing. Those officials on Wednesday, Jan. 31, submitted an amicus brief, to the U.S. Supreme Court supporting North Carolina's request to freeze the lower court's Jan. 21 ruling that the state scrap its legislative maps already redrawn once by court order. "Courts should not throw election administration into chaos at the 11th-hour to fix a problem that doesn't exist," said Matt Walter, president of the Republican State Leadership Committee. Walter said the federal court's ruling is

part of an ongoing campaign by liberals to invalidate lawful election maps drawn by state legislatures in accordance with the U.S. Constitution.

<http://www.carolinajournal.com/news-article/secretaries-of-state-call-court-ruling-a-case-of-unprecedented-overreach/>

Daily Signal: The Only Misleading Claim About Voter Fraud: ‘It Doesn’t Exist’

When it comes to election fraud, the question is not “if,” but “how much?” For years, The Heritage Foundation has been documenting instances of proven election fraud in an online, searchable database. As of this writing, Heritage has gathered 1,107 such instances, spread across 47 states. Each case is carefully researched and supported by court records or other government documents. Nearly 90 percent of those cases resulted in criminal convictions against individuals. No unbiased individual can look at the Heritage database and see it as anything other than incontestable proof that fraud is a real and a serious issue demanding urgent attention.

<http://dailysignal.com/2018/02/02/the-only-misleading-claim-about-voter-fraud-it-doesnt-exist/>

STATES

Florida: Politician with Hidden Felony Cocaine Record Voted Illegally for Two Decades

Search for the nexus of a political debate over whether Florida should restore felons’ voting rights or purge its rolls and you’ll find a white, 71-year-old radiologist named Douglas Hornsby. A sitting commissioner in the sleepy Miami-Dade coastal town of North Bay Village, Hornsby was removed from office Monday after government officials determined he was never eligible to take his post. Turns out, the septuagenarian omitted an unresolved, 25-year-old felony cocaine conviction in Tennessee from his voting registration forms after he moved to Florida in the ’90s, making him an illegal voter and an illegitimate elected official. Hornsby, whose reason for removal was unusual even for South Florida, now finds himself at the center of a small-town political

drama filled with allegations of extortion and retaliation. But given that Florida is months away from voting on a ballot question that could restore the voting rights to an estimated 1.5 million people, here’s a more pressing issue: How exactly does an ineligible voter go unnoticed for 20 years and make it into public office? Documents filed as attachments to the suit show that Hornsby was allowed to vote in Florida because when he filed his paperwork, he checked a box that said he either had never been convicted of a felony or had successfully restored his rights after moving to North Bay Village while on parole. He voted in “several” elections, according to an amended complaint filed Monday.

<http://www.miamiherald.com/news/local/community/miami-dade/article197340944.html>

Texas: Starr County Voter Fraud Investigators Make Second Arrest

Starr County investigators looking into voter fraud say they have made a second arrest in the case. Yesterday, county DA Omar Escobar confirmed the arrest of Erika Lozano for allegedly filling out a ballot in the name of a dead person. Earlier this week, Ernestina Barron was the first to be charged with several counts including election fraud.

<http://www.kurv.com/starr-county-voter-fraud-investigators-make-second-arrest/>

REDISTRICTING

RSLC Press Release: Six Secretaries of State Oppose Eleventh-Hour Overreach by Liberal State Supreme Court

Six Secretaries of State filed an Amicus Brief today with the U.S. Supreme Court supporting the Emergency Application for Stay requested by Pennsylvania’s Speaker of the House, Mike Turzai, and Senate President Pro Tempore, Joseph B. Scarnatti III, of the Pennsylvania Supreme Court’s order in *League of Women Voters of Pennsylvania v. Pennsylvania*. Last week, Pennsylvania’s partisan-elected, Democrat-majority Supreme Court threw out the state’s Congressional map in effect since 2011. In

its place, the court has ordered the legislature to propose a new map by February 9. If Democrat Governor Tom Wolf does not agree to the plan by February 15, the court will adopt its own preferred lines. In other words, despite the U.S. Constitution providing that the power to draw district lines belongs to state legislatures (Article I, Section IV), the partisan-elected, Democrat justices on the court have hijacked that power for themselves. As the Secretaries point out in their brief, the court's eleventh-hour order, as preparations for the 2018 elections are beginning, is a "recipe for chaos" with significant practical implications that burden voters and the state.

<https://rslc.gop/news/2018/01/29/secretaries-state-oppose-eleventh-hour-overreach-liberal-state-supreme-court/>

North Carolina: Drawing Democrat-Friendly Congressional Districts in North Carolina Isn't as Easy as You Think

Of course, the GOP-gerrymandered map has the same net result as the one we have now; the districts were explicitly gerrymandered to benefit Republicans, as the recent court case illustrated. (The question is only whether this is illegal.) But here's the more interesting thing: in only one of the above scenarios—districts specifically gerrymandered to benefit Democrats—can Democrats expect to enjoy a majority of the congressional delegation. This, despite the fact that we are, on the whole, a purple state. The biggest reason for this is that Democrats tend to group in metros, while Republicans' strength is in suburban and rural areas. The point is, even if North Carolina had an independent redistricting commission—which we should—Republicans would probably come out ahead, just not as far ahead.

<https://www.indyweek.com/news/archives/2018/01/26/drawing-dem-friendly-congressional-districts-in-north-carolina-isnt-as-easy-as-you-think>

North Carolina: Election Map Urgency Based on Spin

In both cases, the trial courts acted in irregular ways that step on North Carolina's longstanding electoral redistricting process. If the Supreme Court agrees that those irregular actions will help address an "extraordinary" problem that has plagued North

Carolina elections since 2012, then new maps are likely this year. On the other hand, the Supreme Court could recognize that today's conflict dates back to court decisions handed down less than two years ago. Justices might recognize that state lawmakers always have responded relatively quickly once the highest court in the land has handed down a final decision on how to proceed. Placed in proper context, the trial judges' rush to rewrite North Carolina's electoral landscape might raise some red flags.

<https://www.carolinajournal.com/opinion-article/election-map-urgency-based-on-spin/>

Pennsylvania: U.S. Supreme Court to Consider Pennsylvania Redistricting Stay

With election deadlines approaching quickly, U.S. Supreme Court Justice Samuel Alito signaled he will consider temporarily blocking a state Supreme Court order to rewrite congressional district boundaries. Lawyers for the League of Women Voters of Pennsylvania and 18 voters, who convinced the state Supreme Court the present boundaries violate the state constitution, have until Friday to respond to Republican voters' appeal for a stay of that ruling. Lawyers for Republican voters asked the U.S. Supreme Court to stay the Jan. 22 state Supreme Court decision ordering new boundaries for the May 15 primary election. They cited tight election deadlines and potential confusion among voters about which district they live in if new boundaries take effect so quickly. They also suggested waiting until the nation's highest court rules on congressional redistricting challenges in other states. Republican officials in six states also asked the U.S. Supreme Court to stay the Pennsylvania Supreme Court's ruling.

<http://standardspeaker.com/news/u-s-supreme-court-to-consider-pennsylvania-redistricting-stay-1.2296573#.WnMOCX7JcCs.twitter>