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ACRU Election Integrity Bulletin

LEAD STORY

Von Spakovsky: Playing Politics Is Not Unconstitutional

There aren't many issues the U.S. Supreme Court has managed to sidestep, but political gerrymandering is one of them. Until now. The court just heard oral arguments in *Gill v. Whitford* [in which the ACRU has filed a [brief](#)], a Wisconsin case that involves how voting-district lines are drawn—an issue Justice Felix Frankfurter called a “political thicket” that the courts should avoid. We should not transfer authority for drawing political boundaries to unaccountable federal judges who, unlike legislators, can't be voted out if we don't like what they did.

<http://www.theacru.org/von-spakovsky-playing-politics-is-not-unconstitutional/>

ACRU Video: Vote Fraud? What Vote Fraud?

Vote fraud endangers our democratic system. It's easy to commit and hard to detect, and no one knows for sure how often it occurs. But once it's committed it can't be undone.

<http://www.theacru.org/vote-fraud-what-vote-fraud/>



FEDERAL

ACRU's Carleson Thanks House Committee Chairman for Holding Hearing on Importance of Voting List Maintenance

I am writing to thank you for holding a hearing on state voter registration list maintenance and highlighting the importance of maintaining accurate voter registration rolls. We encourage you to continue the national discussion on the need to improve a faulty, inefficient process that has resulted in inflated official voter rolls for over 20 years. Americans' most fundamental civil right—that of voting and self-governance—relies on citizen confidence in our public institutions, especially the integrity of our elections. Accurate voter registration rolls and honest ballot counting are essential to maintaining our constitutional republic and separation of powers.

<http://www.theacru.org/acru-thanks-house-chairman-for-holding-hearing-on-importance-of-voting-list-maintenance/>

Voter Fraud Panel Member Rips DOJ for Not Pursuing Voter Fraud Cases

A member of the presidential panel tasked with investigating possible voter fraud ripped the Justice Department for allegedly not taking action on evidence of potential illegal voting, *The Huffington Post* reported Wednesday. “As far as I can tell, there has not been a single prosecution whatsoever for any double voting or any noncitizen voting,” according to J. Christian Adams, a member of the Presidential Advisory Commission on Election Integrity. “I know

with certainty that multiple instances of double voting and alien voting have been brought to the attention of the appropriate federal officials, and no action has been taken.”

<http://thehill.com/homenews/360507-voter-fraud-panel-member-rips-doj-for-not-pursuing-voter-fraud-cases-enough>

STATES

Indiana: Plea Deal Signed in County Official's Case of Double Voting from Illinois

A plea agreement has been signed for a Vigo County official accused of living in Illinois but voting in Indiana. A suspended one-year jail sentence and informal probation are the plea agreement terms for Jerome D. Kesler, 61, of Paris, Illinois. Kesler was arrested in June on two counts of voting outside his precinct of residence, both Class D felonies, following an investigation by the Indiana State Police. Police say Kesler lived at a Paris address in neighboring Edgar County, Illinois, but continued to vote in the Vigo County, Indiana, primary and general elections from 2010 through 2014, the charges alleged.

http://www.tribstar.com/news/local_news/plea-deal-signed-in-vigo-official-s-voter-fraud-case/article_59d5da5a-5938-5703-8bb9-1f66ceb2ff2d.html

Idaho: Secretary of State Lawrence Denney: The True Facts of the Crosscheck Program

Idaho entered the Crosscheck program in 2014, because Idaho's Secretary of State Ben Yursa saw it as a useful tool to help identify potential duplicate registrations. The need for this is seated in federal statutes that were enacted as part of the Help America Vote Act, or HAVA, and are further echoed in Idaho law. Along with creating a centralized statewide voter registration list, the laws require the list to be both “accurate and updated regularly.” We have continued to use Crosscheck in that manner since, and upon receipt of the potential duplicates, separate and forward those possible matches to our 44 respective counties for their manual review and any potential further action.

http://www.bonnercountydailybee.com/letters_to_the_editor/20171116/the_true_facts_of_the_crosscheck_program

Kentucky: State Sued Following Voter Fraud Investigation

Judicial Watch has filed a lawsuit “against the Commonwealth of Kentucky over its failure to take reasonable steps to maintain accurate voter registration lists. The lawsuit alleges that 48 Kentucky counties have more registered voters than citizens over the age of 18. The lawsuit was filed in the United States District Court for the Eastern District of Kentucky, Central Division (*Judicial Watch, Inc. v. Alison Lundergan Grimes et al.* (No. 3:17-cv-00094)). Kentucky was one of 12 states to which Judicial Watch sent notice-of-violation letters this year threatening to sue because they have counties in which the number of registered voters exceeds the number of citizens of voting age. Both the National Voter Registration Act (NVRA) and the Help America Vote Act require states to take reasonable steps to maintain accurate voting rolls.”

<https://thepoliticalinsider.com/judicial-watch-kentucky-voter-fraud/>

Maryland: Federal Jury Convicts ‘John Doe’ of Identity Fraud and Voter Fraud

A federal jury has convicted a man. They just don't know who ... and neither do prosecutors. “John Doe,” as listed in court records, was convicted of passport fraud, Social Security fraud, aggravated identity theft and two counts of voter fraud in federal court in Baltimore, prosecutors said. Prosecutors presented evidence that the defendant lived under the assumed identity of a citizen born in the U.S. Virgin Islands, going by the name Cheyenne Moody Davis or aliases like Chris or Richie. Beginning in the summer of 1997, the defendant used the victim's personally identifiable information to get a number of driver's licenses and identification cards, including a Maryland state ID and numerous Maryland driver's licenses. He used these documents as the basis for a passport, a Social Security card and voter registration. He voted in 2016, prosecutors said. He faces up to 27 years when he's sentenced on Feb. 23, and remains in the custody of U.S. marshals.

<http://www.wbal.com/article/277413/3/federal-jury-convicts-john-doe-of-identity-fraud>

(more)

Rhode Island: Elections Board Moves to Close Voter Registration Loophole

Despite the denunciations hurled Ken Block's way when he filed a complaint with the U.S. Department of Justice alleging that Rhode Island was violating federal election law, the state Board of Elections took a first step on Nov. 13 toward fixing what is now acknowledged to be a problem. The board gave its lawyer, Raymond Marcaccio, the go-ahead to draft potential replacements for a regulation adopted in 2008 that excludes people registering in person from a federal requirement that voters registering for the first time provide their driver's license number or the last four digits of their Social Security number.

<http://www.providencejournal.com/news/20171113/ri-elections-board-moves-to-close-voter-registration-loophole>

REDISTRICTING

North Carolina: Race-based Redistricting Imposed on NC 'Against Its Will'

Lawmakers were critical of the process, saying the federal judges who tapped a Stanford University law professor to draw maps for them had done so prematurely and allowed him to consider race as he looked at election districts in Cumberland, Guilford, Hoke, Mecklenburg, Wake, Bladen, Sampson and Wayne counties. The three federal judges presiding over the case that will determine what districts North Carolina's state Senate and House members come from in the 2018 elections have yet to rule on maps the lawmakers adopted in August. Phil Strach, the Raleigh-based attorney representing lawmakers, contends the judges were premature in appointing a "special master," unaffiliated with either party, as their mapmaker. "Judges do not issue provisional sentences before a defendant is found guilty," Strach stated in the lawmakers' response to the mapmaker submitted shortly before the midnight deadline on Friday. "(J)uries do not make provisional damages awards before adjudicating liability; and courts do not craft provisional remedies before finding a constitutional violation."

<http://www.newsobserver.com/news/politics-government/state-politics/article185423903.html>