



October 10, 2017

# ACRU Election Integrity Bulletin

## FEDERAL

### Texas Election Official Says Russian Hacking Claim Was Wrong

The top elections official for Dallas County says she was wrong when she claimed earlier this year that Russian hackers had attempted to access county voter registration rolls prior to the 2016 presidential election. County elections administrator Toni Pippins-Poole told The Dallas Morning News that the U.S. Department of Homeland Security last fall warned the county of "23 occurrences" in which county web servers were vulnerable to access by outside parties. Pippins-Poole said she took the word to mean highlighting potential areas of weak security in Dallas County's system that could be exploited by hackers.

<http://www.star-telegram.com/news/state/texas/article176947806.html>

### State Judge Blocks Texas from Giving Public Voter Data to Trump's Election Integrity Commission

A Democrat Texas judge blocked the Secretary of State (TxSOS) from turning over data from the public voter rolls to the Presidential Advisory Commission on Election Integrity. The TxSOS is required by state law to turn over the public information to anyone who requests it properly as long as it is not for commercial use. Judge Tim Sulak, a Democrat who serves on the 353rd District Court located in Travis County, filed a temporary restraining order that prevents TxSOS Rolando Pablos from turning over voter information to the commission established by President Donald

Trump in June, according to a spokesman from the TxSOS office.

<http://www.breitbart.com/texas/2017/10/05/judge-blocks-texas-giving-public-voter-data-trumps-election-integrity-commission/>

## STATES

### Arizona: Democrats Will Try Again to Overturn 'Ballot Harvesting' Ban

The Arizona Democratic Party went to federal court on Oct. 3 in a bid to overturn a ban on "ballot harvesting" and ensure that ballots cast in the wrong precinct are counted anyway. The Democrats' attorney, Bruce Spiva, contends the Republican-controlled legislature acted illegally last year in making it a felony for an individual to take anyone else's early ballot to a polling place. Spiva said he would present evidence that the measure will cause undue harm to minorities and other groups. But Sara Agne, attorney for the Arizona Republican Party, who is defending the law, argued that lawmakers were entitled to put procedures in place designed to prevent fraud. Spiva could have an uphill battle.

[http://tucson.com/news/local/arizona-democrats-will-try-again-to-overturn-ballot-harvesting-ban/article\\_12b7ecea-2203-5263-826c-996d3eccdd5d.html](http://tucson.com/news/local/arizona-democrats-will-try-again-to-overturn-ballot-harvesting-ban/article_12b7ecea-2203-5263-826c-996d3eccdd5d.html)

### Indiana Denies Precinct Consolidation Law Is 'Voter Suppression'

Indiana officials are rejecting the view that consolidating small voting precincts in Lake County is voter suppression, as a federal lawsuit alleges. In a

filed response, Indiana Attorney General Curtis Hill, Jr. denied allegations that a state law that would consolidate voting precincts with less than 600 active voters disenfranchised Lake County residents, particularly in Gary, East Chicago and Hammond. The attorney general's 72-page response refuted the suggestion the legislation was unlawful and that it is voter suppression, according to court documents. The new law requires Lake County to develop a plan to consolidate voting precincts with fewer than 600 active voters; otherwise the state would step in to put that plan together.

<http://www.chicagotribune.com/suburbs/post-tribune/news/ct-ptb-voter-suppression-lawsuit-response-st-1005-20171004-story.html>

## Pennsylvania: Republicans Push Bill to Expand Poll Watchers

A GOP-sponsored bill in Pennsylvania to allow poll watchers from anywhere in the state to monitor for fraud at voting sites passed the state's lower house. The proposal aims to expand existing law that allows registered voters to monitor polls within their county. If the change becomes law, a registered voter from anywhere in Pennsylvania could be appointed as a poll watcher in any election district. State Rep. Rick Saccone, the bill's sponsor, told *Fox News* his legislation is necessary. "Everybody should be for good government and following the rules when it comes to voting to ensure that your vote counts and that every vote counts and that it's not diluted by any type of fraud."

<http://www.foxnews.com/politics/2017/09/29/pennsylvania-republicans-push-state-bill-to-expand-poll-watchers-to-prevent-voter-fraud.html#>

## Tennessee: Man Charged with Vote Fraud

A Ripley, Tennessee man was charged with vote fraud in the November 2016 election.

Rupert Rogers, 54, was charged with improper registration or voting and false entries on voter documents. Rogers was booked into the Lauderdale County Jail on a \$5,000 bond.

<http://wreg.com/2017/10/04/ripley-man-charged-with-voter-fraud/>

## Texas: 12 Counties Hold More Registered Voters than Adults, Says PILF Study

An election integrity law firm put 12 Texas counties on notice "for holding more registered voters than adult residents" during the 2016 Election. If the jurisdictions do not respond to requests for more information and demonstrate that corrective measures in place, they could risk federal lawsuits from the organization. The Public Interest Legal Foundation (PILF) sent notification letters to 12 counties scattered across Texas. Those counties are: Loving, Brooks, Irion, McMullen, Kenedy, Jim Hogg, Culberson, Edwards, Roberts, Polk, Kent, and Cottle. The PILF stated the counties' voter registration rolls show more registered voters than residents of legal voting age (18) during the November 2016 Election.

<http://www.breitbart.com/texas/2017/10/04/12-texas-counties-hold-registered-voters-adults-says-study/>

## 'Wisconsin's Shame' Remembered: The John Doe Raids Of 2013

For the Wisconsin conservatives who had their homes and offices raided in a politically motivated investigation and for anyone who values the Constitution, Oct. 3, 2013 is a date that will live in infamy.

In the early morning darkness, law enforcement officers swept into sleeping middle-class neighborhoods in several coordinated, multi-county raids. They forced their way in with wide-open warrants and spent the next several hours rooting through the possessions of not only the conservatives they were targeting, but those of their spouses and children. They carried out boxes of files, personal planners, and electronic devices. And they told the residents of the homes they invaded that if these conservatives, even their kids, said anything to anyone about what happened there, they could go to jail. It was all part of a secret and very political John Doe investigation that has rightly been described as "Wisconsin's shame."

<http://www.maciverinstitute.com/2017/10/wisconsins-shame-remembered-the-john-doe-raids-of-2013/#.WdWEavhvB2c.twitter>

**REDISTRICTING****WSJ Editorial: Chief Justice Roberts Lays Out Perils for Judges on Gerrymanders**

The Supreme Court debated the legality of partisan gerrymanders last Tuesday. The key exchange came in Chief Justice John Roberts' questioning of Paul Smith, the lawyer for plaintiffs who say Wisconsin's gerrymander is so partisan that it violates the Constitution. Chief Justice Roberts: "We will have to decide in every case whether the Democrats win or the Republicans win. So it's going to be a problem here across the board. And if you're the intelligent man on the street and the Court issues a decision, and let's say the Democrats win, and that person will say: Well, why did the Democrats win? And the answer is going to be because EG [the efficiency gap] was greater than 7%, where EG is the sigma of party X wasted votes minus the sigma of party Y wasted votes over the sigma of party X votes plus party Y votes. And the intelligent man on the street is going to say that's a bunch of baloney. It must be because the Supreme Court preferred the Democrats over the Republicans. And that's going to come out one case after another as these cases are brought in every state. And that is going to cause very serious harm to the status and integrity of the decisions of this Court in the eyes of the country."

<https://www.wsj.com/articles/supreme-court-gobbledygook-1507071991?mod=e2tw>

**Roberts, Kennedy Cast Doubt on Supreme Court's Ability to Resolve Gerrymandering Dispute**

Chief Justice Roberts and Justice Anthony Kennedy raised questions about the Supreme Court's ability to resolve a blockbuster political gerrymandering dispute. Roberts said that if the challenge to Wisconsin's voting map were allowed to proceed, many similar cases could come that could yield decisions that voters would view as motivated by the justices to help one political candidate.

<http://www.washingtonexaminer.com/john-roberts-anthony-kennedy-cast-doubt-on-supreme-courts-ability-to-resolve-gerrymandering-dispute/article/2636397>

**Eric Holder-Led Group Challenges Georgia Redistricting, Claims Race-Based Gerrymandering**

A Democratic group led by former Attorney General Eric Holder has accused Georgia Republicans of gerrymandering two state legislative districts in order to minimize African-American voters' impact on elections. In the past, Republicans have defended themselves against similar cases by arguing the redistricting was carried out with partisan motives in mind, rather than racially-charged motives. Redistricting lawsuits in Georgia, as well as another in Wisconsin, are part of a Democratic strategy to challenge Republican control of the district drawing process for state and federal elections after the GOP had broad election victories in 2010 and gained power in Congress.

<http://freebeacon.com/politics/eric-holder-georgia-redistricting-gerrymandering/>

**Georgia: Brian Kemp 'Ready to Fight' Redistricting Lawsuit**

Secretary of State Brian Kemp pushed back against a federal lawsuit filed by a group led by former U.S. Attorney General Eric Holder challenging the boundaries for state Rep. Joyce Chandler's house District. In a statement released by Kemp's gubernatorial campaign, the secretary of state pointed to past battles his office had with the U.S. Department of Justice while Barack Obama was president. Holder was Obama's first attorney general. "I took on the Obama Justice Department twice — and won — to implement our common sense Voter ID and citizenship check laws," Kemp said in a statement released by his gubernatorial campaign. "I'm ready to fight for hardworking Georgians again as Eric Holder and his team of liberal lawyers attempt to turn Georgia 'blue' through the court system."

[http://www.gwinnettdaily.com/local/brian-kemp-i-m-ready-to-fight-redistricting-lawsuit-filed/article\\_3cf0d0d2-dc92-51df-be6a-912f858e3169.html](http://www.gwinnettdaily.com/local/brian-kemp-i-m-ready-to-fight-redistricting-lawsuit-filed/article_3cf0d0d2-dc92-51df-be6a-912f858e3169.html)

## Jeff Greenfield in *Politico*: The Democrats' Gerrymandering Obsession

Judging by the press coverage of what happened in the Supreme Court last Tuesday, Justice Anthony Kennedy may be ready to cast the decisive fifth vote to put constitutional limits on the practice of political gerrymandering. For Democrats and liberals across the country, this is cause for celebration. Why? Because if the court strikes down the Wisconsin map, it also puts the map for congressional districts in several key states in doubt. And, while Democrats have also used their power to draw partisan lines, the net impact of gerrymandering benefits the GOP because it controls the process in key contested states. As Michael Li of the Brennan Center for Justice told me recently, “Republicans enjoy [a net of] 16 to 17 extra seats in Congress under the maps of this decade because of partisan bias ... And as it turns out, these seats are in states like Michigan, Pennsylvania, North Carolina, Ohio — battleground states, in other words.”

<http://www.politico.com/magazine/story/2017/10/06/supreme-court-gerrymandering-democrats-obsession-215686>

## Matt Walter in *RealClearPolitics*: A Constitutional Right to Win? The Democrats Want One

Does the Democratic Party have a constitutional right to win a minimum number of elections? Of course not, but that's what lawyers for a group of Wisconsin Democrats effectively argued at the Supreme Court in *Gill v. Whitford*. Despite decades of experience and legal precedent to the contrary, Democrats are asking the Court to enter the political realm and find for the first time that a legislative map is unconstitutional on partisan-related grounds. The Supreme Court should take a pass.

[https://www.realclearpolitics.com/articles/2017/10/04/a\\_constitutional\\_right\\_to\\_win\\_the\\_democrats\\_want\\_one\\_135170.html](https://www.realclearpolitics.com/articles/2017/10/04/a_constitutional_right_to_win_the_democrats_want_one_135170.html)