



The American
Civil
Rights
Union



Voting
Integrity
Institute

March 20, 2017

ACRU Election Integrity Bulletin

FEDERAL

15 States File Amicus Brief Seeking Clarification on NVRA, Non-Voting and List Maintenance

Fifteen states have filed an amicus brief in the U.S. Supreme Court asking it to hear a case in order to clarify if and how states may use evidence of non-voting as a factor in removing voters from the rolls. There, plaintiffs challenged the state's "supplemental process" for list maintenance, which uses failure to vote over a two-year period as a trigger for mailings seeking confirmation that the voter still wishes to vote. The allegation is that the use of non-voting as a trigger violates the National Voter Registration Act (NVRA), which expressly prohibits the removal of voters simply for failure to vote. The amicus brief – filed last Friday by the state of Georgia and 14 other states (Alaska, Idaho, Kansas, Louisiana, Michigan, Missouri, Montana, Nevada, Oklahoma, South Carolina, South Dakota, Tennessee, Texas, and West Virginia) asks the Supreme Court to hear the case and clarify whether use of non-voting data as a trigger violates the NVRA.

<http://editions.lib.umn.edu/electionacademy/2017/03/14/15-states-file-amicus-brief-seeking-clarification-on-nvra-non-voting-and-list-maintenance/>

Judicial Watch Files Supreme Court Brief Supporting Ohio's Right to Clean Voter Rolls

Judicial Watch Attorney Robert Popper and five other former DOJ Civil Rights Division attorneys filed a brief with the U.S. Supreme Court in support of

Ohio's efforts to ensure that its voter rolls are up to date. Ohio was contacting inactive voters every year to confirm that they had not moved or died, as one of many steps to fulfill Ohio's voter list maintenance obligations under the NVRA.

<http://www.judicialwatch.org/press-room/press-releases/judicial-watch-files-supreme-court-amicus-supporting-ohios-right-clean-voter-rolls/>

Von Spakovsky: Department of Justice's Latest Misbehavior

According to 5th Circuit Court of Appeals Judge Jerry Smith in a recent redistricting opinion out of Texas, *Perez v. Abbott*, it was "obvious, from the start, that the Justice Department attorneys viewed state officials and the legislative majority and their staffs as a bunch of backwoods hayseed bigots who bemoan the abolition of the poll tax and pine for the days of literacy tests and lynchings." The Justice lawyers "saw themselves as an expeditionary landing party arriving here, just in time, to rescue the state from oppression, obviously presuming that plaintiffs' counsel were not up to the task. Christian Adams says that Voting Section lawyers even hung a sign inside the section saying, "Mess With Texas," mocking the state's slogan: "Don't Mess With Texas."

<http://dailysignal.com/2017/03/17/the-justice-departments-latest-misbehavior/>

Fifth Circuit Judge Assails DOJ 'Arrogance' in Voting Rights Case

A blistering dissent from a ruling issued by a three-judge panel in a Texas redistricting case—in which the dissenting judge took issue with eye-rolling, gum chewing and what he perceived as "contempt" from a

Department of Justice lawyer—has garnered Texas Attorney General Ken Paxton's seal of approval.
<http://www.texaslawyer.com/id=1202781164791/Fifth-Circuit-Judge-Assails-DOJ-Arrogance-in-Voting-Rights-Case?mcode=1202615604418&slreturn=20170220081031>

That Study Suggesting Voter ID Laws Diminish Non-white Turnout Has Just Been Debunked

Only one apparently credible study had ever suggested that voter ID laws suppress minority turnout. And that study, it turns out, is bunk, as Vox reports — albeit with commentary further down that continues to assume the unjustified conclusion.

The original study, which was widely reported when it came out last month, has been reviewed by professors at Stanford, Yale, and UPenn, who concluded with convincing evidence that there's basically nothing to it:

Strict voter ID laws may reduce turnout, particularly among minorities, but the evidence presented in HLN does not constitute reliable information documenting such a relationship. HLN's measures of turnout often substantially differ from official state turnout. Further, the core analysis in HLN, a series of cross-sectional regressions, does not credibly isolate the causal effect of voter ID laws because of the presence of unobserved differences between states with and without these laws. A placebo test of HLN's model shows a statistically significant relationship between future implementation of voter ID laws and turnout, an indication of omitted variable bias. Finally, HLN's difference-in-differences approach, which is better equipped to address this problem, is incorrectly interpreted in the text of the paper
<http://www.washingtonexaminer.com/that-study-suggesting-voter-id-laws-diminish-non-white-turnout-has-just-been-debunked/article/2617434>

Voter ID Study

Link:
http://stanford.edu/~jgrimmer/comment_final.pdf

STATES

Maryland County's Count Suggests Non-Citizens Voting across U.S.

The debate over noncitizens voting was a hot topic a few years ago in Frederick County, a prosperous Maryland suburb wedged between Washington's urban metropolis and the state's rural western gateway to the rest of America.

Conservative activists went to court to show that noncitizens were registering fraudulently to vote. A court employee met their request by turning over pages of residents' names disqualified from jury duty because of alien status.

When those lists were compared with voting records for just three years — 2007, 2008 and 2011 — nearly 180 noncitizens were found to have registered to vote. Of those, 63 had voted, some in multiple elections. The 180 registered votes came from 1,400 disqualified noncitizens in those three years, a rate of 12.8 percent.

<http://www.washingtontimes.com/news/2017/mar/19/noncitizens-voting-across-us-frederick-county-coun/>

Virginia Voter ID Study

A study in the Journal of Empirical Legal Studies “sought to determine the impact of strict voter ID laws on voter turnout. It analyzed precinct-level election data from Virginia’s 2013 gubernatorial race and Virginia’s 2014 U.S. Senate race. These elections were similarly competitive, statewide, and occurred during nonpresidential election years, but more importantly, Virginia’s strict photo ID law was passed in July 2014. This study sought to isolate the effect of its passing by comparing the turnout data of these two races (one which took place before the law was passed, and the other after) with other census and survey data. It found that, all else being equal, turnout was surprisingly higher in places where more active registered voters lacked a driver's license, including for some minority voters.”

Link:

<http://onlinelibrary.wiley.com/doi/10.1111/jels.12142/full>

West Virginia Partners With Other States to Prevent Vote Fraud

Video:

http://www.wvalways.com/Clip/13182689/west-virginia-partners-with-other-states-to-prevent-voter-fraud#.WM2oIj_ddn4.twitter

Voter ID Law Likely to Pass in Iowa, but Not Without Opposition

More than 30 states have enacted some form of a voter identification requirement in recent years, and Iowa could join that list, as a contentious voter ID bill continues to be discussed at the statehouse.

<http://iowapublicradio.org/post/voter-id-law-likely-pass-iowa-not-without-opposition#stream/0>

Judge Dismisses Suit Alleging Georgia Wrongly Bumped Voters off Voter Rolls

In the 21 page ruling, U.S. District Judge Timothy C. Batten Sr. said the state had taken a “reasonable and nondiscriminatory” approach in trying to reach voters who had not cast a recent ballot to confirm their addresses. Under state law, registered voters are mailed a confirmation notice following a more than three-year period of “no-contact” with election officials. If voters do not respond to the notice within 30 days, they are designated as inactive – something that does not prevent them from voting and does not change their registration status.

<http://www.ajc.com/news/state--regional-govt--politics/judge-dismisses-suit-alleging-georgia-wrongly-bumped-voters-off-rolls/TQS4c2yrM5MOszAzWpiNyK/>

Texas Senate Panel Overhauls Voter ID Law

Filed by Committee Chairwoman Joan Huffman, Senate Bill 5 would add options for Texas voters who say they cannot “reasonably” obtain one of seven forms of ID currently required at the polls. It would also create harsh criminal penalties for those who falsely claim they need to choose from the expanded list of options. Huffman's bill would allow voters older than 70 to cast ballots using expired but otherwise acceptable photo IDs. The bill would also require the Texas secretary of state to create a mobile program for issuing election identification certificates. “The people of the state of Texas demand integrity at the ballot box,” Huffman said Monday. “I am committed to constitutionally sound voter ID.” Huffman’s bill would follow that format, allowing voters without photo identification to present documents such as a utility bill, bank statement or paycheck. And election officers could not question the “reasonableness” of the excuse for not having photo ID. But those found to have lied about not possessing photo ID could be charged with a third-degree felony under Huffman’s bill. Such crimes carry penalties of two to 10 years in prison.

<http://www.reporternews.com/story/news/local/texas/2017/03/13/senate-panel-overhauls-voter-id/99142672/>

Sandoval May Veto Nevada Voter Registration Petition

Gov. Brian Sandoval issued a statement last Tuesday saying he may veto Initiative Petition 1, mandating DMV register voters when they get or renew a drivers' license. The measure has now cleared both houses of the Nevada Legislature pretty much on party line votes and is on its way to his desk where staff says he will review the measure.

"Nevada has a respected election system with a high percentage of registered voters and participant rate," the statement says. "The state also recently reached an agreement that provides that it is in compliance with the Voting Rights Act."

<http://www.nevadaappeal.com/news/government/sandoval-may-veto-nevada-voter-registration-petition/>