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ACRU Election Integrity Bulletin

FEDERAL

Career Civil Rights Division DOJ Employees Being 'Encouraged' to Leave

Under Attorney General Jeff Sessions, morale in the Civil Rights Division has cratered, say three sources with knowledge of the inner workings, according to the Daily Beast. “They are totally freaking out,” said a former high-ranking DOJ official speaking on condition of anonymity to protect those still working there. “They are doing everything they can to keep things going, but everything they do has to run through a front office mired in politics.”

<http://www.thedailybeast.com/articles/2017/04/29/the-real-100-days-trump-success.html>

STATES

Louisiana: Federal Judge to Decide Whether VRA Requires Minority Judgeship District

In the final day of an ongoing civil case that challenges at-large judicial voting in Terrebonne Parish, both parties rested their cases this evening and the judge is expected to make a ruling in August. In 2014, the Terrebonne Parish chapter of the NAACP filed a lawsuit in the U.S. District Court in Baton Rouge that aims to alter the at-large voting system to a district-based method in an effort to create a minority subdistrict. The proposed system would include five single-member districts for judges, including one with a voter majority of blacks and other minorities.

<http://www.dailycomet.com/news/20170428/judge-to-decide-minority-judgeship-district>

North Carolina: 508 Ineligible Voters Cast Ballots in 2016, Report Says

An investigation by the N.C. Board of Elections has found that 508 voters who cast ballots last November weren't eligible to vote – and the vast majority of them were felons serving active sentences. The State Board of Elections released the audit report Friday in response to public records requests and a request from members of Congress. The report says that 441 voters appear to have been serving active felony sentences on Election Day – many of them on probation. Convicted felons can vote in North Carolina only after completing their sentences, including any probation and parole. In addition, the investigation found 41 non-citizens who cast ballots, 24 voters who voted twice and two people who falsely voted using the name of a family member who'd recently died.

<http://www.newsobserver.com/news/politics-government/state-politics/article145971264.html#storylink=cpy>

North Carolina State Board of Elections Audit of 2016 Election

https://s3.amazonaws.com/dl.ncsbe.gov/sboe/Post-Election%20Audit%20Report_2016%20General%20Election/Post-Election_Audit_Report.pdf

North Carolina: Two Convicted of Felony Voter Fraud and Sentenced

District Attorney Maureen Krueger announced last Wednesday that two men were found guilty of felony voter fraud in Moore County. Edward Charles Green, a 58-year-old Southern Pines resident, was sentenced to a minimum of four months in jail and six months of supervised probation, which will run concurrent to a probation sentence from a previous offense. Dalton Shane Smith, a 22-year-old Cameron resident, was given an active sentence of at least 30 months behind bars. Jennifer Cooper, an administrative assistant for the state Judicial Branch, said Smith's sentence includes time for unrelated charges. The men were indicted by a grand jury in February after the District Attorney's Office conducted an investigation into illegal voting in the 2016 Presidential election. Ryan Wiggs, a 32-year-old Lakeview resident, was also indicted, but his case is still pending.

https://www.thepilot.com/news/two-convicted-of-felony-voter-fraud/article_988c8fe4-2c10-11e7-bb60-bba18edb960f.html

Rhode Island: Non-Existent Voters on File

The Providence Journal reports that there are more than 189,000 names on the rolls than there are voters in the state. Some of the names are people who have moved away, while others are voters who have passed away. Both of those categories can be cut down. First, the state is already associated with the Electronic Registration Information Center, which shares data from 20 states and can catch dual registrations. It also checks with Social Security to clear the names of the deceased. More improvements to making voter rolls accurate are proposed by the Rhode Island Department of State's Elections Task Force, which released a report on April 27.

<http://turnto10.com/politics/ri-tackles-issues-with-non-existent-voters-on-file>

West Virginia: Editorial Lauds Registration Roll Clean Up

Earlier this month, we commended West Virginia county clerks and Secretary of State Mac Warner for cleaning up voter registration rolls. Working together, his office and county officials had removed 36,635 names from the list of people eligible to vote in our state. What a difference a few weeks makes. By this week, the number was up to about 47,000. For years, few — if any — serious efforts were made to ensure voter registration lists in our state did not include the names of dead people, those who had moved or those who, perhaps because they were imprisoned on felony charges, were not eligible to vote. In a few counties, voter registration totals were higher than the number of residents 18 years old or more.

<http://www.journal-news.net/opinion/editorials/2017/04/honest-elections-critical-for-trust/>

REDISTRICTING

Wisconsin: GOP Legislature Calls Redistricting Ruling Dangerous

Attorneys for the Republican-controlled Wisconsin Legislature asked the U.S. Supreme Court on April 24 to uphold GOP-drawn legislative boundaries, saying a ruling that found them to be unconstitutional was "dangerously" wrong. The Legislature argued in its filing that the ruling was "profoundly out of step" with decades of lower court decisions rejecting comparable claims of gerrymandering — the practice of drawing boundaries to favor one political party over another. If the ruling is allowed to stand, the Legislature argued, it "would extinguish any last hope for state autonomy in the redistricting process" and make federal lawsuits unavoidable.

<https://www.usnews.com/news/best-states/wisconsin/articles/2017-04-24/gop-legislature-calls-redistricting-ruling-dangerous>

Wisconsin: Republican AGs Get Involved in Redistricting Case

A divided panel of federal judges ruled in November that Wisconsin's map was a partisan gerrymander intended to burden the rights of Democratic voters by entrenching Republicans in power for the next decade. The court ordered lawmakers to redraw the state's legislative boundaries by November. The U.S. Supreme Court has yet to decide whether it will hear the case on appeal. In a brief filed by Texas Republican Attorney General Ken Paxton, the 12 states argued the court should get involved. "The district court's decision invites openly partisan policy battles in the courtroom," they wrote. "This will expose every state to litigation under a legal standard so indeterminate that any party that loses in the statehouse has a fighting chance of overriding that policy decision in the courthouse." Joining Texas in submitting the brief were the states of Arizona, Arkansas, Indiana, Kansas, Louisiana, Michigan, Missouri, Nevada, Oklahoma, South Carolina and Utah.

<http://www.superiortelegram.com/news/wisconsin/4257051-republican-ags-get-involved-wisconsin-redistricting-case>

Brief for Wisconsin State Senate – Paul Clement

<http://www.scotusblog.com/wp-content/uploads/2017/04/16-1161-cert-amicus-wisconsin-senate.pdf>

Judicial Watch Amicus Brief in Wisconsin Redistricting Case

<http://electionlawblog.org/wp-content/uploads/Wisconsin-JW-AEF-Amicus-Brief.pdf>

Wisconsin Institute for Law & Liberty Amicus Brief in Wisconsin Redistricting Case

<http://www.will-law.org/wp-content/uploads/2017/04/Gill-amicus-as-filed.pdf>

HIGHLIGHTED LEGISLATION

Nebraska: Gov. Ricketts Vetoes Bill that Would Grant Voting Rights to Newly Released Felons

Gov. Pete Ricketts vetoed a bill last Thursday that would allow convicted felons to vote immediately upon the completion of their prison term or end of parole. "Despite claims of supporters of the bill, LB 75 does not relate to criminal justice reform," Ricketts said in a news release. "The state's criminal justice reform efforts were adopted by the Legislature in 2015 with the passage of LB 605. Those reforms are currently being implemented and are completely unrelated to felons voting. While the rehabilitation of criminals is an important goal of the criminal justice system, the immediate restoration of voting rights is not the answer. "Nebraskans are kind-hearted and do not wish to permanently punish convicted felons. The distinction, however, between the restoration of rights versus privileges must be noted. While the Legislature may restore certain privileges, such as driving privileges, to convicted felons, the Legislature may not circumvent the Nebraska Constitution to automatically restore a voting right in state law. Any efforts to restore a civil right explicitly revoked in the Nebraska Constitution requires changing the Nebraska Constitution. LB 75 is attempting to create the equivalent of a legislative pardon. This is not permissible under the Constitution."

<http://www.ketv.com/article/gov-ricketts-vetoes-bill-that-would-grant-voting-rights-to-newly-released-felons/9573215>