



January 29, 2018

ACRU Election Integrity Bulletin

LEAD STORY

US Supreme Court Agrees with ACRU: Issues Stay in NC Redistricting Case

On January 18, 2018, the American Civil Rights Union (ACRU) helped successfully urge the U.S. Supreme Court to issue a stay in *Rucho v. Common Cause*. ACRU's amicus brief argued that the district court's demand for a redrawn legislative map was unreasonable, because it created a new set of incredibly complex tests and then gave the North Carolina legislature just 14 days to create a new map. Illogically, the court said some types of partisan map-making were acceptable, while other types were illegal—which made it even more difficult for anyone to apply these new standards. This last-minute redistricting hurt candidates and voters, and it disrupted the election process.

<http://www.theacru.org/us-supreme-court-agrees-with-acru-issues-stay-in-nc-redistricting-case/>

FEDERAL

Washington Post: Democratic Group Will Spend \$5 Million to Elect Secretaries of State, the Latest Front in 'Voting Wars'

The left-leaning ballot access group iVote will spend at least \$5 million across swing states to elect Democratic secretaries of state—the latest front in the “voting wars” that Democrats worried they have been

losing. This year, iVote will focus on electing Democrats as the chief election officials in seven states: Arizona, Colorado, Iowa, Michigan, Nevada, New Mexico and Ohio. Only one of those states, New Mexico, has a Democratic secretary of state.

https://www.washingtonpost.com/news/powerpost/wp/2018/01/25/democratic-group-will-spend-5-million-to-elect-secretaries-of-state-the-latest-front-in-voting-wars/?utm_term=.d3ac75febab0

SCOTUS Blog Symposium: ACRU Attorney Klukowski Says Polling-Place Speech Restrictions Collide with Modern Free-Speech Doctrine

Ken Klukowski, an attorney representing the American Civil Rights Union, filed an amicus brief in support of the challengers in the case—*Minnesota Voters Alliance v. Mansky*. This year the Supreme Court will decide whether the First Amendment allows a “buffer zone” forbidding all political speech around polling places on Election Day. A lot has changed in free-speech jurisprudence since the court looked at this issue in 1992, but the justices should rule in favor of the challengers no matter which approach they use.

<http://www.scotusblog.com/2018/01/symposium-polling-place-speech-restrictions-collide-modern-free-speech-doctrine/>

(more)

STATES

Florida: Swing State Felons May Get Right to Vote

Voters in one of America's biggest swing states will be able to decide on this November's ballot whether convicted felons will regain the right to vote. If 60 percent of voters in Florida approve the initiative, Amendment 4, voting rights would be returned to 1.5 million felons in the state once they complete their sentences, including parole or probation. The initiative would not include sex offenders or murderers.

"Floridians for Fair Democracy, led by Desmond Meade, of Orlando, successfully gathered more than 799,000 certified signatures in their years-long petition drive, just a week before the deadline to reach the required total of about 766,000," *The Orlando Sentinel* reported on Tuesday.

<https://truepundit.com/swing-state-felons-may-get-right-vote/>

Pennsylvania: Philadelphia Election Worker Reportedly Said GOP Votes Not Allowed 'On My Machine'

Four Democrats now await trial on charges such as committing fraud, intimidating voters, and tampering with public records. One couple from Philadelphia reported the following experience when they tried to vote in a special election last year: First they were told they had to go "get a stamp" outside the polling place—where Democrats handed out stamps for write-in candidates. Then, when an Election Board worker heard they wanted to vote Republican, a witness heard him bellow: "Not on my machine!" And though they both said they eventually cast ballots, in the end only one GOP vote was recorded at the polling place.

<https://pjmedia.com/trending/philadelphia-election-worker-reportedly-said-gop-votes-not-allowed-machine/>

Wisconsin: Ethics Chief Brian Bell Cites Liberal Bias as Reason for Leaving Wisconsin Government Accountability Board

Wisconsin's ethics director said he left a post in 2015 with an agency maligned by Republicans in part because he thought it was poorly run and infected with a liberal bias. In a letter, Bell disparaged Shane Falk, who served as counsel to the accountability board and has been a focus of the ire of Republicans.

"Incredibly, someone as transparently partisan as Shane Falk was appointed as staff counsel and allowed to continue to serve in that role," Bell wrote. "He displayed open partisanship and blatant insubordination toward division administrators, the director and the board. He also enabled a climate at the GAB that made it acceptable to make offensive or disparaging remarks about political parties, candidates and elected officials. Other staff, including some in management, furthered and tolerated such a climate."

<https://www.jsonline.com/story/news/politics/2018/01/17/brian-bell-says-he-left-wisconsin-government-accountability-board-part-because-concerns-political-bi/1042366001/>

Wisconsin: In Wake of John Doe Investigation, GOP Lawmakers Will Appoint Wisconsin Elections Chief If Commission Doesn't Act to Appoint New Director, Sen. Scott Fitzgerald Says

The leader of the state Senate says GOP lawmakers will appoint a director for the state Elections Commission if the bipartisan panel doesn't find someone new to do the job in the next six weeks. It's the latest escalation of a years-long fight that springs from an investigation of Republicans that the state Supreme Court shut down in 2015. Senate Republicans rejected the confirmations of Michael Haas, director of the Elections Commission, and Brian Bell, director of the Ethics Commission.

<https://www.jsonline.com/story/news/2018/01/26/gop-lawmakers-appoint-wisconsin-elections-chief-if-commission-doesnt-act-sen-scott-fitzgerald-says/1068811001/>

Texas: County Clerk Raises Alarm on Voter Fraud Cases Ahead of Midterms

Nueces County Clerk Kara Sands gave a presentation on voter fraud to the local commissioners court late last week. In addition to citing facts and figures, she introduced a collection of former candidates; some elected, others not, but all addressed brushes with voter fraud. “It’s not about me—it’s about the people who see it firsthand,” she later told *Breitbart Texas*. Sands explained, “I wanted to bring awareness to this problem.”

<http://www.breitbart.com/texas/2018/01/24/texas-county-clerk-raises-alarm-voter-fraud-cases-ahead-midterms/>

Texas: Mail Ballot Voter Fraud Complaints Filed in Nueces County

Mail-in ballots are again the target of a voter fraud investigation in Nueces County – and fraud victims have again turned to private citizens for help that law enforcement couldn’t or wouldn’t provide.

Government watchdog group Direct Action Texas filed 30 new election fraud complaints this week alleging mail-in ballots were illegally harvested and forged in the November 2017 Robstown City Council election.

https://empowertexans.com/around-texas/mail-ballot-voter-fraud-complaints-filed-nueces-county/?utm_source=dlvr.it&utm_medium=twitter

Texas: Border County DA Pledges Crackdown on Voter Fraud

Starr County District Attorney Omar Escobar says there are questionable applications for mail-in ballots and he suspects that people lied on their voting applications, reported *The Monitor*. He has also found noncitizens who have registered. The DA also gave the elections department a list of those convicted of felonies, including those who are on felony probation and are thus ineligible to vote. The Starr County elections department alerted the border DA about the suspicious applications for mail-in ballots. Starr County is located on the Mexican border and is in the Rio Grande City and McAllen-Edinburg statistical areas. A legal organization founded by a former Reagan Administration member sued Starr County in 2016 claiming there are more registered voters than

eligible voters in the county. The county is listed along with 12 other Texas counties as having similarly over-registered voters.

<http://www.breitbart.com/texas/2018/01/20/border-county-da-pledges-crackdown-voter-fraud/>

REDISTRICTING

Michigan: Republicans Say Dems Behind Redistricting Plan

Promising strong opposition to redistricting reform and the organization Voters Not Politicians (VNP), Michigan Freedom Fund Executive Director Tony Daunt took a few moments to update Republicans on redistricting at the recent 4th Congressional District Roundup. Claiming to be non-partisan and independent, Voters Not Politicians brought some criticism from Daunt. “They are a Democrat-funded group. Seven of their 10 board members have given more than \$5,000 to Democrats since 2005. Not a single member of that board has given to a Republican that we can see at the state or federal level,” Daunt said. “This is not independent, it’s Democrats trying to take control because they can’t win elections.”

<http://www.ourmidland.com/news/article/Republicans-say-Dems-behind-redistricting-plan-12527073.php>

(more)

Missouri: Progressive Mega-Donor George Soros Bigfoots into Missouri Ballot Fight over Redistricting, Ethics

National progressive activist George Soros, the billionaire bogeyman of conservative nightmares, dumped a quarter-million dollars into a Missouri ethics reform campaign this month. Perhaps most significantly, though, the measure would fundamentally change how the state's legislative district boundaries are drawn. Currently, that process is handled primarily by insiders from the two major political parties, which reformers say has allowed them to gerrymander the districts in order to keep incumbents safe. The new proposal would instead give redistricting power to a nonpartisan expert working with a citizen commission.

www.stltoday.com/news/local/govt-and-politics/progressive-mega-donor-george-soros-bigfoots-into-missouri-ballot-fight/article_e40db1e8-ca97-5b41-bee2-1a82bb1aa03c.html

North Carolina: North Carolina Redistricting Wars Return

Less than a week ago, the Supreme Court granted a request by North Carolina Republicans to block (at least temporarily) an order by a three-judge federal court in that state that would have required the state legislature to submit a new federal congressional map today. The federal court ruled that the state's Republicans had engaged in partisan gerrymandering when they drew the map to ensure their "domination of the state's congressional delegation," but the Supreme Court's January 18 order freed Republicans of the need to come up with a new plan while they file an appeal.

<http://www.scotusblog.com/2018/01/north-carolina-redistricting-wars-return/>

Ohio: Competing Redistricting Plans Emerge in Ohio

Two competing proposals to change Ohio's rules for congressional map-making could appear on separate statewide ballots later this year. Democrats, Republicans and voter advocacy groups agree changes are needed but not on what they should look like. State Sen. Matt Huffman, a Lima Republican, proposed a resolution that he said "is fair and equitable no matter which party is in the majority." He'd like to see it make this May's ballot. Under the plan, the Legislature would propose a 10-year map that requires a three-fifth vote in each chamber and a one-third minority vote to be enacted. Consideration is given to making districts more compact, limiting splits of counties, prohibiting dividing or carving out a congressional district within a county, and disallowing multiple splits of counties to elongate districts, as was done with Ohio's last map.

<https://www.usnews.com/news/best-states/ohio/articles/2018-01-28/ap-explains-competing-redistricting-plans-emerge-in-ohio>