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ACRU Election Integrity Bulletin

LEAD

Fifth U.S. Circuit Court of Appeals OK's Texas Voter ID Law

A federal appeals court has upheld the latest version of the state's voter ID law. In a 2 to 1 ruling, a three judge panel with the 5th U.S. Circuit Court of Appeals said opponents of the revised voter ID requirements in Texas had failed to prove fixes the Legislature made to its original voter ID law had "discriminatory effect on indigent minority voters." Opponents of the revised voter ID law known as SB 5, had argued that despite changes to the original statute passed in 2011, the law still presented a barrier to voting for people who did not have access to a photo identification. The revised law, passed in 2017, still calls for one of seven acceptable forms of photo ID to cast a ballot. It lets people without one of those forms of ID vote, but they have to sign an affidavit and show a utility bill or paycheck that has the person's name and address. Attorney General Ken Paxton was quick to applaud the decision. "The court rightly recognized that when the Legislature passed Senate Bill 5 last session, it complied with every change the 5th Circuit ordered to the original voter ID law," Paxton said. "Safeguarding the integrity of our elections is essential to preserving our democracy. The revised voter ID law removes any burden on voters who cannot obtain a photo ID."

<https://www.mrt.com/news/politics/texas/article/Appeals-court-OK-s-Texas-voter-ID-law-12870302.php>

FEDERAL

Nextgov: DHS Says No Evidence of Russia Targeting 2018 Elections Yet

The Homeland Security Department has seen no evidence so far this year that Russian intelligence agencies are trying to hack into voting systems to undermine the 2018 midterm elections, the department's cyber lead told Congress Tuesday. While there's no evidence Russian hackers changed any votes or penetrated voting systems during the 2016 contest, they did scan systems in at least 21 states and attempted to penetrate a much smaller number of voter rolls, Homeland Security has said.

<http://www.nextgov.com/cybersecurity/2018/04/dhs-no-evidence-russia-targeting-2018-elections-yet/147701/>

Washington Times: Trump Judicial Nominee Says He's Personally Witnessed Voter Fraud

Michael J. Truncale, one of President Trump's judicial nominees, said Wednesday he's personally witnessed incidents of voter fraud while serving as an election judge in Texas.

<https://www.washingtontimes.com/news/2018/apr/25/michael-truncale-trump-judicial-pick-saw-voter-fra/>

(more)

Governing.com: Voting Rights for Felons Becoming a Key Issue for Democrats

Florida has emerged as a battleground in the fight over the 6 million people, in and out of jail, who can't vote because they were convicted of a felony.

<http://www.governing.com/topics/politics/gov-florida-felons-voting-rights-states.html>

STATES

Arkansas: Long-Awaited Ruling Puts Hold on Arkansas' Voter-ID Law

Arkansas' new voter-identification law is on hold for now, thanks to a judge's ruling Thursday evening. Since August, voters have been required to show government-approved photo identification to poll workers to ensure their ballots are counted. Pulaski County Circuit Judge Alice Gray on Thursday ruled that the way the General Assembly created the requirement was by inserting an unsupportable contradiction into the state constitution, which sets the standards for voter eligibility and regulates the registration process. Rep. Mark Lowery, R-Maumelle, who sponsored the bill that became Act 633, said the measure had been carefully crafted to be distinctly different from that previous voter-ID law. But he said he wasn't surprised by Gray's ruling. He predicts the Supreme Court will overturn her decision and validate the new law. "I think it took her so long to issue her ruling because she had to find a way to ignore the law and the Legislature's constitutional right to amend Amendment 51 of the constitution," he said.

<http://www.arkansasonline.com/news/2018/apr/27/long-awaited-ruling-puts-hold-on-state-/?f=news-arkansas>

Florida: Appeals Court Delays Changes in Felon Voting-Rights System

Florida's system of restoring voting rights to ex-felons remains intact, for now at least, after a federal appeals court Wednesday night delayed a judge's ruling issued in February that had struck down the system. The decision from the Atlanta-based U.S. 11th Circuit Court of Appeals prevented a late-night meeting of the Florida

Clemency Board, which was called by Gov. Rick Scott to comply with the lower court's Thursday deadline to adopt new voting rights restoration rules. U.S. District Judge Mark Walker of Tallahassee struck down the system, which allows the board to grant or deny voting rights to ex-convicts for any reason, finding it was arbitrary and violated their constitutional rights. But the appeals court found that "binding precedent holds that the Governor has broad discretion to grant and deny clemency, even when the applicable regime lacks any standards." Scott and the Cabinet were prepared to adopt new rules that would have allowed some ex-felons to have their rights restored after a lengthy process, but the ruling negated the need for the Wednesday night meeting. A draft of the rules to be discussed at the meeting would have kept the current five-year waiting period for ex-convicts to apply to get their voting rights restored. But the ex-felons wouldn't have to plead before the clemency board, comprised of Scott and the Cabinet, after the application process. Under the current system, felons must wait five years after their sentences end, then apply to the Clemency Board, which includes the governor, Attorney General Pam Bondi, Agriculture Commissioner Adam Putnam and Chief Financial Officer Jimmy Patronis, to get their rights restored.

<http://www.orlandosentinel.com/news/politics/political-pulse/os-clemency-voting-rights-late-20180425-story.html>

Ohio: More Ohioans Requested Absentee Ballots Than Four Years Ago, but Fewer Cast Votes

More Ohio voters have requested absentee ballots than four years ago, but they're taking longer to cast their votes, according to the Secretary of State's office. As of the close of business April 21, there have been 63,253 ballots cast across the state and 171,954 absentee ballots were requested. According to the Secretary of State's office, at the same point in 2014, more than 73,000 ballots had been cast. There were about 155,000 absentee ballots requested during that frame.

<http://www.news-herald.com/general-news/20180425/more-ohioans-requested-absentee-ballots-than-four-years-ago-but-fewer-cast-votes>

Texas: Court Upholds Voter ID Law in Win for GOP Lawmakers

Texas can enforce its strict photo voter ID law after a federal appeals court ruled state lawmakers fixed problems that caused the original restrictions to

discriminate against poor and minority voters. A divided three-judge panel of the New Orleans federal appeals court sided with Texas on Friday. The majority ruled that the state “succeeded in its goal” of fixing the problem by adopting the trial judge’s temporary tweaks. The dissenting judge agreed with the activists’ claim that the Texas legislature was still acting with discriminatory intent and should be blocked from enforcing the restrictions that keep minorities from voting.

<https://www.newsmax.com/newsfront/texas-voter-id/2018/04/28/id/857172/#ixzz5E0KAPzOl>

Texas: Gov. Abbott Wants Farenthold to Cover Taxpayer Cost of Special Election to Replace Him in Congress

Gov. Greg Abbott declared a special election must be held to fill Blake Farenthold’s U.S. House seat, and now he wants the ex-representative to pay for it. The Corpus Christi Republican resigned April 6, a few months after dropping re-election plans amid revelations that he used \$84,000 in taxpayer money to pay a woman who accused him of sexual harassment in 2014. In calling for the special election this week, Abbott called it “imperative” to restore representation in the district, where all the counties remain under a state disaster declaration after Hurricane Harvey. The order followed a nonbinding opinion Texas Attorney General Ken Paxton issued saying the governor has the authority to use the disaster as the basis to declare the vacancy an emergency and hold an election before November.

<https://www.dallasnews.com/news/2018-elections/2018/04/25/gov-greg-abbott-farenthold-reimburse-taxpayers-fund-special-election-congress>

REDISTRICTING

Yahoo News: U.S. Supreme Court Divided Over Texas Electoral District Fight

The U.S. Supreme Court on Tuesday appeared divided along ideological lines as it heard a bid by Texas to revive Republican-drawn electoral districts thrown out by a lower court for diluting the clout of black and Hispanic voters. Some of the conservative justices seemed willing during arguments in the case to accept that the Republican-led Texas legislature acted in good faith when it adopted new electoral maps in 2013 for state legislative and U.S. congressional seats. Liberal justices seemed skeptical that those maps resolved racial discrimination concerns that caused earlier maps to be invalidated, and questioned whether it was premature to hear the case because a lower court had not yet issued a final ruling on the dispute.

<https://www.yahoo.com/news/u-supreme-court-divided-over-texas-electoral-district-012454712.html>