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April 9, 2018

ACRU Election Integrity Bulletin

LEAD STORY

Elections Assistance Commission Announces \$380 Million in New Help America Vote Act Funding

As part of the omnibus spending law passed on March 23, all 50 states, the District of Columbia and four U.S. territories are getting funding to improve their elections infrastructure prior to the 2018 elections. On March 29, the Elections Assistance Commission announced how the \$380 million will be distributed. An extension of the 2002 Help America Vote Act that distributed funds to states to improve voting systems and voter access issues identified following the 2000 election, the 2018 HAVA Election Security Fund will give states additional resources to secure and improve their election systems. The funds will be made available by the EAC as grants to make it easier for states to access the funds ahead of the 2018 federal elections. States will receive grant award notification letters in April. With primary elections already underway, however, states will be allowed to incur costs against forthcoming grant awards with EAC approval.

<https://gcn.com/articles/2018/03/29/eac-state-funding-election-security.aspx>

FEDERAL

CBS: The DHS “War Room” on Election Day 2016

When the Obama administration learned of the Russian cyberattack, Department of Homeland Security (DHS) officials thought it was unlikely the Russians were attempting to tamper with voting

machines since they are not connected to the internet and there are tens of thousands of them dispersed throughout the country. So the agency focused its response on helping states identify vulnerabilities in their election IT systems, and providing them advice on how to shore up cyber defenses. The week before Election Day, DHS and other government agencies conducted a drill to prepare for possible Election Day hacking. Neil Jenkins says one scenario he feared was that Russian operatives would target the reporting of unofficial election results that are used by the media to make projections. He points out that even if this had happened, it would not have impacted the official vote tally.

<https://www.cbsnews.com/news/the-dhs-war-room-on-election-day-2016/>

Reuters: Arizona Election Database Targeted in 2016 by Criminals, Not Russia

A hack on an Arizona election database during the 2016 U.S. presidential campaign was carried out by suspected criminal actors and not the Russian government, a senior Trump administration official told Reuters on Sunday. The official was responding to a report on CBS News’ “60 Minutes” citing an internal government document that Russian hackers successfully infiltrated computer systems associated with at least four U.S. states, including Arizona, leading up to the 2016 election.

<https://www.reuters.com/article/us-usa-cyber-election/arizona-election-database-targeted-in-2016-by-criminals-not-russia-source-idUSKBN1HF11F>

(more)

How Ranked-Choice Voting Effort Became a Partisan Flash Point

When then state Rep. Diane Russell first pushed for the Legislature to adopt ranked-choice voting in 2009, she didn't expect it to be a partisan issue, and it wasn't. Most of her colleagues in the 124th Legislature—then controlled entirely by her fellow Democrats—were against it, regardless of the party they belonged to, and her resolution to set up a pilot project died without receiving a floor vote. Nine years later, the politics around ranked-choice voting in Maine have become as polarized as any issue the state, with legislators splitting on partisan lines over measures that would either suppress or help implement the system approved by voters in 2016. New forensic analysis of that election reveals voters were profoundly polarized in the same way elected officials now are: independents and Democrats overwhelmingly in favor, Republicans largely opposed. How did a reform effort that seeks to reduce political polarization and vitriol in Maine become another partisan flash point, creating an impasse that threatens to plunge the crucial June 12 primary election into chaos and legal acrimony? With four Republicans and seven Democrats running for governor, the system will likely come into play for both parties, yet a last-minute attempt to provide funds to implement it properly failed Thursday on a largely party-line vote.

<https://www.pressherald.com/2018/04/08/how-ranked-choice-voting-effort-became-a-partisan-flash-point/>

Hans von Spakovsky: Facebook's Troubling 'Favors' for Obama

Controversy continues to swirl around how the consulting firm Cambridge Analytica obtained personal data from more than 50 million Facebook users without their knowledge and used it to target ads to individuals in an effort to help Donald Trump get elected president in 2016. But a more serious case of apparent misconduct involves Facebook data going to a different presidential campaign—this time in 2012. In this case, which is getting far less attention, Facebook reportedly voluntarily provided data on millions of its users to the reelection campaign of President Barack Obama. If true, such action by Facebook may constitute a major violation of federal

campaign finance law as an illegal corporate campaign contribution. The matter should be investigated by the Federal Election Commission—an agency I am quite familiar with, because I served as one of its commissioners from 2006 to 2007. The commission enforces campaign finance laws for congressional and presidential elections.

<http://www.providencejournal.com/opinion/20180404/my-turn-hans-von-spakovsky-facebooks-troubling-favors-for-obama>

Vox: Why It's Perfectly Fine to Ask About Citizenship Status on the Census

The Trump administration recently announced that it will add a question to the 2020 census asking respondents about their citizenship status. The announcement has not been well-received by progressives and immigration advocates, who argue that the mere existence of the question on the form will cause Latinos to decline to fill it out and that therefore Latinos will be undercounted. That, in turn, could lead to fewer federal funds for programs that target that population, and perhaps even lower congressional representation. New York and California are suing the administration over the issue. The Blue Team freakout is unwarranted. At the end of the day, asking about citizenship poses no serious threat to the census and will produce valuable information well worth collecting. The administration has asserted that the question appeared on "every census since 1965," until 2010 when it was taken out by those ne'er-do-wells in the Obama administration. The Hill declared that claim false, although it turns out the administration's claim was basically correct. Various citizenship questions have been integral parts of the federally administered mail-and-door-knocking decennial census in 1820, 1830, 1870, 1890 to 1950, and 1980 to 2000. What's more, a group of former census administrators wrote a letter to the Census Bureau suggesting that the citizenship question was "untested," a claim that is blatantly false. You can read at least some of the results of citizenship question testing on the Census Bureau's website. It's been extensively tested.

<https://www.vox.com/the-big-idea/2018/4/5/17202092/census-question-citizenship-immigration-trump-deportation-undercount-latino-hispanic>

STATES**Arkansas: Still No Ruling on Voter ID Case**

Secretary of State Martin filed a motion with the state Supreme Court last week requesting that Gray be forced to make a ruling in the case “well in advance of April 6, 2018.” The Supreme Court unanimously rejected the request without comment. Friday, April 6, was the deadline for the Secretary of State to deliver ballots to military voters out of jurisdiction and overseas citizens voting by absentee ballot. According to a letter from the Secretary of State’s office to Gray filed with the court, the Voter ID law “directly affects the instructions to be delivered to some of those voters concerning requirements for returning their ballots.” The plaintiffs dispute that this timing represents a significant problem. In any case, with no ruling from Gray, the Secretary of State’s office moved ahead as normal with the task yesterday.

<https://www.arktimes.com/ArkansasBlog/archives/2018/04/07/still-no-ruling-on-voter-id-case>

Florida: Florida Appeals Ruling That State’s Ex-Felon Voting Ban is Illegally Enforced

Florida Gov. Rick Scott’s administration has appealed a federal judge’s bombshell ruling that his state’s system for restoring ex-felons’ voting rights is unconstitutionally enforced. The move sets up a potentially lengthy legal battle, which means many of the state’s approximately 1.5 million disenfranchised ex-cons likely will remain ineligible to vote in the upcoming 2018 elections. Scott, a Republican, is widely considered a possible U.S. Senate candidate this year. In court papers, Florida officials disputed U.S. District Judge Mark Walker’s findings that the state’s procedure is arbitrarily administered. Additionally, lawyers for the state argued, the judge’s 30-day deadline for implementing a fix to the process is too tight a timeframe. “For far too long, activist judges have attempted to rewrite our nation’s laws.” said GOP Florida gubernatorial candidate Richard Corcoran.

<http://www.foxnews.com/politics/2018/04/05/florida-appeals-ruling-that-states-ex-felon-voting-ban-is-illegally-enforced.html>

Nebraska: For Eighth Year, Voter ID Amendment Filibustered to Defeat in Legislature

Another year, another frustration for backers of requiring voter identification in Nebraska. State lawmakers fell short of cutting off debate and advancing a proposed voter ID constitutional amendment. The vote marks the eighth year in a row that voter ID legislation has been blocked. State Sen. John Murante of Gretna, who introduced Legislative Resolution 1CA, said he is exploring the possibility of going directly to voters via an initiative petition drive. “This is not the end of the discussion,” he said. “There will come a day when the issue is taken out of the hands of legislators.” A second Murante proposal, which some dubbed “voter ID lite,” cleared first-round consideration after all of the voter identification provisions were stripped out. As advanced, Legislative Bill 1065 would authorize counties to use electronic poll books. The new poll books would contain the same information as the current paper versions. The bill as introduced would have included photographs of voters in the electronic poll books for identification.

http://www.omaha.com/news/legislature/for-eighth-year-voter-id-amendment-defeated-in-legislature/article_c37ed2e7-9242-58d4-9fbd-648eab411ccc.html

Nebraska: Voter ID Bill Stalls in Legislature

A proposed ballot measure that would require Nebraska voters to show identification at the polls has stalled in the Legislature. Nebraska Senators voted 24-18 to force an end to legislative debate on the issue, nine short of what supporters needed (to end the filibuster). The measure’s sponsor, Sen. John Murante, of Gretna, says lawmakers were too divided to hold a civil conversation and compromise on the issue.

<http://www.klknv.com/story/37894195/voter-id-bill-stalls-in-legislature>

(more)

North Dakota: Citing Native Americans' 'Cherished Right' to Vote, Federal Judge Orders Changes to Voter ID Law

An attorney challenging North Dakota's voter ID law welcomed a federal judge's ruling that expands Native Americans' options at the polls but eliminates voter affidavits. U.S. District Court Judge Daniel Hovland's order came almost two months before the statewide primary election, a rapidly approaching event that prompted the state to ask for an expedited review of the case. While declining to invalidate all of the new law, Hovland imposed several restrictions on it. His order prevents the state from mandating that IDs include a "current residential street address" and expands the valid forms of ID to include more tribal documents. The order also requires the secretary of state's office to clarify a section of the new law allowing voters to prove their identity after their ballot is "set aside." The new law, sponsored by Republican lawmakers and signed by Gov. Doug Burgum last year, allows voters who don't bring an ID to the polls to mark a ballot that's set aside until they provide identification. Hovland lifted his 2016 order Tuesday, which Jaeger called a "significant step toward maintaining the integrity of the election process." The state filed a notice of appeal Wednesday, but Jaeger, a Republican, described it as a procedural step.

<http://www.inforum.com/news/government-and-politics/4427188-citing-native-americans-cherished-right-vote-federal-judge#.WsU-xFCPC8E.twitter>

REDISTRICTING

Seven Years Later: Why Everyone Is Mad in The Texas Redistricting Fight

Everyone in the Texas redistricting fight is pissed off. In their latest brief to the U.S. Supreme Court, the voting and minority rights groups challenging Texas' political maps painted Republican state lawmakers as "opportunistically inconsistent in their treatment of appearance versus reality." Pointing to the lawmakers' 2013 adoption of a court-drawn map that was meant to be temporary, the groups chronicled the actions as "a ruse," a "shellgame strategy" and a devious "smokescreen" meant to obscure discriminatory motives behind a previous redistricting plan. Channeling their anger toward the lower court that found lawmakers intentionally discriminated against voters of color, state attorneys used a February brief to denounce the court's ruling as one that "defies law and logic," suffers multiple "legal defects" and "flunks the commonsense test to boot." ... But seven years into legal wrangling over Texas lawmakers' efforts to redraw the state's maps, the punchy legal briefs have already served to crystallize the frustration surrounding the prolonged—and convoluted—litigation. "There are few things a legislature can do to avoid protracted litigation over its redistricting legislation," state attorneys wrote in the opening lines of their brief. "But if the nearly inevitable litigation comes to pass, one would have thought there was one reasonably safe course available to bring it to an end—namely, enacting the three-judge court's remedial redistricting plan as the legislature's own. Think again."

<https://www.texastribune.org/2018/04/04/texas-redistricting-fight-seven-years-mad/>