



The American  
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Voting  
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# ACRU Election Integrity Bulletin

## LEAD

### Ohio: Justices Rule for State in Voter-Registration Dispute

The Supreme Court today rejected a challenge to one of the practices used by Ohio to remove voters from the state's voter rolls. By a vote of 5-4, the justices agreed that the practice under question—which cancels the registration of voters who do not go to the polls and who then fail to respond to a notice—does not violate federal laws governing voter registration. The decision could mean that more states will adopt similar laws to trim their voter rolls, particularly when (as the majority observed today) roughly one in eight voter registrations is “either invalid or significantly inaccurate.” Justice Sonia Sotomayor criticized the ruling in her dissent today, predicting that it could have a disproportionate effect on the poor, the elderly and minorities.

<http://www.scotusblog.com/2018/06/opinion-analysis-justices-rule-for-ohio-in-voter-registration-dispute/>

### ACRU Original Press Release and Amicus Brief

In this case, the American Civil Rights Union filed an amicus brief arguing that the Sixth Circuit Court of Appeals was wrong to strike down Ohio's voter roll cleanup policy.

<http://www.theacru.org/acru-ohio-has-right-to-remove-inactive-voters/>

## FEDERAL

### Washington Examiner: FEC Dem Who Targeted Drudge Admits Agency Biased Against Republicans

A former Democratic chair of the Federal Election Commission who repeatedly rejected charges she was targeting Republicans and conservative websites like the *Drudge Report* has admitted that the agency has an anti-GOP bias. Ann Ravel, now a lecturer at the University of California Berkeley Law School, told an alumni magazine that the FEC has taken cases biased against the Republicans.

**Q:** Where do the cases that come before the FEC come from? Is there any possibility that they could be in some way biased against Republicans?

**Ravel:** Absolutely. The cases have come primarily from watchdog groups, and most of those groups are on the liberal side.

In fact, during one period when Ravel was on the FEC, the complaints against Republicans were about three for every one against Democrats.

<https://www.washingtonexaminer.com/washington-secrets/fec-dem-who-targeted-drudge-admits-agency-biased-against-republicans>

### Florida Trend: EAC Announces 55 Percent of 'Help American Vote Act' Funds Have Been Requested by 26 States

The U.S. Election Assistance Commission (EAC) today announced that 26 states have requested \$209,638,865 in newly available funds to improve the administration of elections for Federal office, 55 percent of the total amount available. The announcement comes less than

three months after Congress passed the Consolidated Appropriations Act of 2018 that allocated \$380 million for Help American Vote Act (HAVA) funds. The Commission's rapid and responsible distribution of funds ensures that states have access to the much-needed funding ahead of the 2018 Federal Election. The \$380 million funding marked the first new appropriations for HAVA funds since FY2010.

<http://www.floridatrend.com/article/24695/eac-announces-55-percent-of-help-american-vote-act-funds-have-been-requested-by-26-states>

## **Business Insider: Bill Clinton Says Every US State Should Return to 'Some Sort of Paper Ballot System' to Stop Elections from Being Hacked**

All US states should return to a paper ballot system because they were at too much risk from cyberterrorism, former President Bill Clinton has said. While it isn't yet clear how much of the 2016 presidential election was compromised by cyberattacks, all US citizens should return to pen and paper to vote for now, the 42nd president told the *BBC* on Monday. "Until we get this straightened out, every state should go to some sort of paper ballot system," Clinton said.

<http://www.businessinsider.com/bill-clinton-us-should-return-to-paper-voting-to-stop-election-hacks-2018-6>

## **Governing.com: Secretary of State Races Are More Competitive and Important Than Ever**

Voter ID battles and cybersecurity concerns have intensified and elevated these races. Republicans have more seats—and the most to lose. Currently, Republicans hold 28 secretary of state offices, and the Democrats hold 17. (Our tally doesn't count Oklahoma's vacancy, Pennsylvania's nonpartisan position, and the three states that lack the position—Alaska, Hawaii and Utah.) Of the 35 states where voters elect the secretary of state, 26 have contests this fall. As the party with the most offices nationally, the Republicans are at greater risk. They will have to defend a total of seven open seats, in Arkansas, Georgia, Kansas, Michigan, Nebraska, Ohio and South Dakota. By contrast, the Democrats, barring something unexpected, won't have to defend a single open seat. There are more Republican vacancies this year than usual. That's partly because the

position has become a significant stepping stone for ambitious politicians. Brian Kemp of Georgia and Kris Kobach of Kansas are running for governor; Jon Husted of Ohio is running for lieutenant governor; and Shantel Krebs of South Dakota is running for the U.S. House.

<http://www.governing.com/topics/politics/gov-secretary-state-races-2018.html>

## **STATES**

### **California: Printing Error Omits 118,000 Names from Voting Rosters in Los Angeles County**

A "printing error" omitted over a hundred thousand names from voting rosters in one of California's largest counties on Tuesday, potentially slowing the count in the state's closely watched governor's race. Officials in Los Angeles County said the error affected 118,000 voters and about a third of the county's 4,357 polling locations.

<https://abcnews.go.com/Politics/printing-error-omits-118000-names-voting-rosters-los/story?id=55680779>

### **Georgia: Lawsuit Tries to Force State to Use Paper Ballots in 2018 Elections**

Before this November's election, a federal judge will have to decide whether Georgia's electronic voting machines are too hackable to be used any longer. A lawsuit pending in federal court is trying to force the state government to immediately abandon its 16-year-old touchscreen machines and rely on paper ballots.

<https://politics.myajc.com/news/state--regional-govt--politics/lawsuit-tries-force-georgia-use-paper-ballots-2018-elections/ZAw8GHCMMMPQqSRWe44OD1I/>

### **Iowa: Voter ID Law Will Make Good Election System Better**

Discriminatory, disenfranchising and dangerous were some of the words used by critics to describe voter ID—something we supported—approved by the Iowa Legislature last year. If a "soft rollout" of the new law used for Tuesday's primary election was an accurate barometer, the sky won't fall in our state because Iowa voters will be asked to produce a form of identification before casting ballots at polling places. Within today's society, one needs some form of identification to

conduct almost any kind of personal business. We do not believe asking the same of Iowa voters in order to strengthen the integrity of our state's elections by providing an additional layer of protection against fraud is unreasonable.

[https://siouxcityjournal.com/opinion/editorial/our-opinion-iowa-voter-id-law-will-make-good-election/article\\_c755f167-2cd6-5e7e-a0f7-929fe08a8dfd.html](https://siouxcityjournal.com/opinion/editorial/our-opinion-iowa-voter-id-law-will-make-good-election/article_c755f167-2cd6-5e7e-a0f7-929fe08a8dfd.html)

## Indiana: State Police to Investigate Voter Fraud Allegations in Madison County

Madison County Prosecutor Rodney Cummings said Thursday the state police have been asked to investigate absentee ballot applications and voter registrations that contained alleged misinformation and may have been signed by one person prior to the May 8 primary.

[http://www.pharostribune.com/indiana/news/article\\_bba7eef-90b6-5e73-a22a-d0b0a9414908.html](http://www.pharostribune.com/indiana/news/article_bba7eef-90b6-5e73-a22a-d0b0a9414908.html)

## Maine: Primary Results Could Be Delayed at Least Six Days While Ranked-Choice Votes Are Counted

Mainers may not learn the winners of some of Tuesday's primary elections until nearly a week later because of the logistics of the ranked-choice voting process, according to the timeline the Secretary of State's Office released Thursday. The Secretary of State's Office says ballot tabulations on ranked-choice voting from June 12 won't begin until June 15 because towns have three days to send their election results to Augusta.

<https://www.pressherald.com/2018/06/07/primary-voting-results-could-be-delayed-until-at-least-june-18/>

## North Carolina: Amendment Would Put Voter ID in State Constitution

House Speaker Tim Moore and other House Republicans filed a proposed constitutional amendment Thursday afternoon to enshrine a voter ID rule in the state constitution. The bill would ask voters to decide this November whether to add this paragraph to the constitution: "Photo identification for voting in person. Every person offering to vote in person shall present photo identification before voting in the manner prescribed by law." The requirement deals only with in-person voting, not absentee voting.

<https://www.wral.com/amendment-would-put-voter-id-in-nc-constitution/17611888/>

## North Carolina: Lawyers: State Law Punishing Felons Who Vote Is Racist

Five convicted felons accused of illegally voting in 2016 should have the charges against them dropped because the North Carolina law is racist, lawyers said in court filings Friday. Lawyers for the Southern Coalition for Social Justice in Durham filed requests for judges to dismiss charges against five Alamance County residents accused of voting before they regained their full citizenship rights. North Carolina requires convicted felons to complete any probation or parole before they have the right to vote again. A state elections board audit of the 2016 elections found 441 felons voted before having that right restored, and more than two-thirds of them were black.

<https://www.wsocv.com/news/north-carolina/lawyers-north-carolina-law-punishing-felons-who-vote-is-racist/765886104>

## Texas: Details Emerge in Fifth Voter Fraud Arrest

The fifth person arrested in connection to an alleged voter fraud scheme faced a justice of the peace Saturday, and two days later, his bond was reduced from \$100,000 cash surety to one that allows him to walk out of jail without posting payment. Investigators with the Texas Attorney General's Office and the Texas Rangers arrested Francisco Tamez Jr., 33, on two counts of illegal voting Friday afternoon for allegedly casting a ballot in two recent elections: the Edinburg Municipal races in November and the 2018 March Primary. Tamez is ineligible to vote because he has a prior felony conviction for burglary in Oklahoma and has yet to fulfill the terms of his punishment, according to a copy of his probable cause affidavit. His probation concludes in 2020, making him ineligible to vote until then, as per Texas law. On Saturday, Tamez faced newly elected Hidalgo County Justice of the Peace Jason "JJ" Pena, who arraigned him on the two felony charges and issued a \$50,000 cash surety bond for each count, totaling \$100,000.

[https://www.themonitor.com/news/local/article\\_3d02c994-6874-11e8-a157-c7a7f82d1074.html](https://www.themonitor.com/news/local/article_3d02c994-6874-11e8-a157-c7a7f82d1074.html)

*(more)*

**REDISTRICTING****USA Today: Census Urged to Exclude Undocumented Immigrants in Congressional Seat Count**

Alabama's attorney general urged Congress Friday to support the state's push for the Census not to count undocumented immigrants when deciding the number of congressional seats for each state. Steve Marshall, who recently filed a lawsuit on behalf of the state, said Alabama stands to lose one of seven congressional seats and one of its nine electoral votes if undocumented immigrants aren't excluded from the apportionment process. "Not only would this skewed result rob the state of Alabama and its legal residents of their rightful share of representation, but it plainly undermines the rule of law," Marshall told the House Judiciary's subcommittee on Constitution and Civil Justice. "If an individual's presence in our country is in violation of federal law, the question is why should the states which they reside benefit from their illegal status."

<https://www.usatoday.com/story/news/politics/2018/06/08/alabama-says-leave-out-undocumented-immigrants-congressional-seat-count/685286002/>

**High Stakes for Elections as U.S. Supreme Court Nears Decision on Wisconsin Redistricting Case**

In a decision that could come down any day, the nation's highest court will decide a lawsuit challenging that redistricting, which originated in the U.S. District Court for the Western District of Wisconsin. There, a three-judge panel ruled in *Whitford v. Gill* (formerly known as *Whitford v. Nichol* and later *Gill v. Whitford*) that the 2011 map was "an aggressive partisan gerrymander that was both intended and likely to persist for the life of the plan" in which the "defendants intended and accomplished an entrenchment of the Republican Party." The decision marked the first time a federal district court ruled a state legislative redistricting plan as an unconstitutional partisan gerrymander. The defendants, members of the disbanded Government Accountability Board, appealed the decision to the Supreme Court.

<https://www.channel3000.com/features/high-stakes-for-elections-as-us-supreme-court-nears-decision-on-wisconsin-redistricting-case/749266008>

**Georgia: State Can Use Redrawn Lines Amid Redistricting Challenge**

Pending the outcome of a lawsuit alleging racial gerrymandering in two state House districts, a panel of federal judges has ruled that Georgia can continue using current district lines. The federal lawsuit says the Republican-led Legislature unconstitutionally drew the metro Atlanta districts in 2015 to increase the percentage of white voters and decrease the percentage of black voters. The majority opinion issued last week by a three-judge panel calls the evidence raised in the lawsuit "compelling" but says it falls short of documenting intent to depress black voter strength. For that reason, the opinion says, it's not appropriate to issue a preliminary injunction to keep the redrawn boundaries from being used while the lawsuit is pending.

<http://atlanta.cbslocal.com/2018/06/08/georgia-can-use-redrawn-lines-amid-redistricting-challenge/>