



The American
Civil
Rights
Union



Voting
Integrity
Institute

June 18, 2018

ACRU Election Integrity Bulletin

LEAD

Supreme Court Sidesteps Consideration of Partisan Gerrymandering in Wisconsin, Maryland Redistricting Cases

The Supreme Court on Monday took a pass on deciding the limits of partisan gerrymandering—or efforts by state legislatures to create voting maps most favorable to one political party. The justices dismissed separate lawsuits from Democratic Wisconsin voters and Republican Maryland voters, who challenged the congressional maps drawn by their legislatures. In the Wisconsin case, the court on narrow grounds said 12 Democratic voters who brought the suit lacked “standing” or jurisdiction to bring the legal action. In throwing the case back to the lower courts, the high court sidestepped the larger issue: endorsing a workable standard going forward that would apply nationwide.

<http://www.foxnews.com/politics/2018/06/18/supreme-court-sidesteps-consideration-partisan-gerrymandering-in-wisconsin-maryland-redistricting-cases.html>

FEDERAL

Supreme Court to Minnesota: First Amendment Rights Don’t End at the Polling Booth

With just two weeks to go until the end of its term, the Supreme Court ruled 7-2 in *Minnesota Voters Alliance v. Mansky* that Minnesota’s ban on so-called “political” apparel at the polls on Election Day violates the First Amendment. With Thursday’s decision, the high court has restored the ability of voters in Minnesota to express

their views on everything from the Second Amendment to the #MeToo movement. Minnesota had a very restrictive law that not only prohibited active campaigning in polling places, but also barred voters from wearing badges, buttons, and other items with a “political” message. But the state’s definition of what it considered to be “political” was so broad that even a T-shirt that simply said “Vote!” could be prohibited. The court was right to invalidate Minnesota’s law, which prevented Andrew Cilek, the executive director of the Minnesota Voters Alliance, from wearing his “Don’t Tread on Me” T-shirt and a “Please I.D. Me” button to the polls on Election Day.

<https://www.dailysignal.com/2018/06/15/supreme-court-to-minnesota-first-amendment-rights-dont-end-at-the-polling-booth/>

ACRU Proudly Filed an Amicus Brief in This Case Protecting the Rights of Voters

In a brief filed on Monday in *Minnesota Voters Alliance, et al. v. Joe Mansky, et al.*, the American Civil Rights Union argued that restrictions on messaging at polling places have been overly broad and that a Minnesota-based case deserves rehearing to resolve conflicting court rulings. The case involved a man who sued for the right to wear a Tea Party-associated Gadsden flag T-shirt and a “Please I.D. Me” button when voting. Minnesota law prohibits the wearing of political messages on clothing and buttons in polling places and within 100 feet of them. “There is no suggestion that [Andrew E.] Cilek was interfering with the integrity of the election process or blocking access to the polls,” stated the brief, written by ACRU General Counsel Ken Klukowski and attorney John J. Park, Jr.

<http://www.theacru.org/acru-free-speech-for-thee-but-not-for-me/>

(more)

Rasmussen Reports: Voters Still See Voter Fraud as a Problem

The Supreme Court this week upheld Ohio's aggressive efforts to purge voter rolls of people who haven't cast ballots in a while, much to the dismay of liberal voters' rights groups. But few voters have ever been illegally denied the right to vote, and they think it happens less often than illegally allowing people to vote. A new Rasmussen Reports national telephone and online survey finds that 44% of likely U.S. Voters think it's more common that people are allowed to vote who are not eligible to vote. Just 36% think, more often, people are prevented from voting who should be allowed to vote. Twenty percent are not sure which happens more often. http://www.rasmussenreports.com/public_content/politics/general_politics/june_2018/voters_still_see_voter_fraud_as_a_problem

New Yorker: The A.C.L.U. Is Getting Involved in Elections—and Reinventing Itself for the Trump Era

In this midterm year, however, as progressive groups have mushroomed and grown more active, and as liberal billionaires such as Howard Schultz and Tom Steyer have begun to imagine themselves as political heroes and eye Presidential runs, the A.C.L.U., itself newly flush, has begun to move in step with the times. For the first time in its history, the A.C.L.U. is taking an active role in elections. The group has plans to spend more than twenty-five million dollars on races and ballot initiatives by Election Day, in November.

<https://www.newyorker.com/news/news-desk/the-aclu-is-getting-involved-in-elections-and-reinventing-itself-for-the-trump-era>

Townhall: Supreme Court Backs Accurate Voter Rolls and Honest Elections

Democrats have long relied on inaccurate election rolls to aid their candidates. They want to count every vote, legal or not. So, after Ohio's government cleaned up its registration lists it was hit with the usual claims of left-wing bias. Now the Supreme Court has ruled for the state. Ohio Secretary of State Jon Husted said the "decision is a victory for election integrity" and Ohio's system could "serve as a model for other states to use." Playing an important supporting role was the Trump Justice Department, which shifted to defend Ohio—the Obama administration naturally attacked the state's

effort. The president deserves credit for appointing Justice Neil Gorsuch, who provided the deciding vote. https://townhall.com/columnists/kenblackwell/2018/06/15/supreme-court-backs-accurate-voter-rolls-and-honest-elections-n2491078?amp=true&twitter_impression=true

STATES

Florida: Group to Flood State with Voter Registration Forms

More than 380,000 people in Florida will be receiving voter registration forms in the mail from a group seeking to increase participation from women, minorities and youth... "The 'Rising American Electorate'" is 61.3% of the voting eligible population in Florida, so the electorate should be reflective of their strength in the population." The Democratic-aligned group said research indicates 30 percent of those RAE voters who voted in 2016 aren't likely to vote in 2018. "Unfortunately, and historically, the VPC and CVI pull information for their mailings from various unverified sources," Scott said. "Previous mailings have resulted in voter registration applications being sent to deceased persons, minor children and even pets. Mailings have also been sent to registered voters, which creates unnecessary confusion and concern."

<http://www.tampabay.com/florida-politics/buzz/2018/06/12/group-to-flood-florida-with-voter-registration-forms/>

Maine: With the First Ranked-Choice Election, LePage Says He 'Probably' Won't Certify Results

As Mainers headed to the polls for primary voting Tuesday morning, Gov. Paul LePage announced he may not certify the results. Tuesday is the first time in Maine when voters statewide will use a ranked-choice system, which allows voters to submit a ballot that ranks votes for candidates in order of preference. It is being used in both parties' voting for gubernatorial candidates, a race for the Democratic nomination for the U.S. House in the state's 2nd Congressional district and a state legislative seat. LePage, in an interview with WCSH-TV, called the voting system "the most horrific thing in the world" and said he "probably" won't certify the results and instead will "leave it up to the courts to decide."

<http://www.sunjournal.com/as-maine-holds-first-ranked-choice-election-lepage-says-he-probably-wont-certify-results/>

Missouri: Voter ID Law Faces Legal Challenge from National Progressive Group

A national progressive organization filed a lawsuit Wednesday against Missouri's voter ID law on behalf of a 70-year-old Jackson County woman. The suit was filed in Cole County by Priorities USA, a Democratic-aligned group that advocates for voting rights and works to identify "opportunities for progressives to stand up to the Republican agenda," according to its website. Missouri voters in 2016 approved the voter ID requirement as an amendment to the state's constitution by a 26-point margin. But attorneys for Priorities USA argue that it creates undue burdens for voters who lack the required photo identification.

<http://www.kansascity.com/news/politics-government/article213116779.html>

North Carolina: GOP Lawmakers Introduce Voter ID Amendment

House Speaker Tim Moore filed a constitutional amendment requiring photo identification to vote in North Carolina elections, one that the state's voters will decide in a voter referendum. The move was expected, though controversial. Conservatives cite polls showing most residents see voter ID as a needed security measure, while some liberals claim an ID requirement would disenfranchise elderly and minority voters. "This commonsense measure to secure the integrity of our elections system is supported by the vast majority of North Carolinians who know protecting our democracy should be one of lawmakers' highest priorities," the Cleveland County Republican said in a written statement announcing he filed House Bill 1092. "The voters of North Carolina deserve a chance to weigh in on securing their own rights in the democratic process, and will have the final say on strengthening election protections," Moore said.

<https://www.roanoke-chowannewsheald.com/2018/06/14/gop-lawmakers-introduce-voter-id-amendment/>

North Carolina: Results of SurveyUSA News Poll on Voter ID

Based on the following descriptions, would you support or oppose each of the following. First, a state constitutional amendment that says, "Every person offering to vote in person shall present photo identification before voting in the manner prescribed by

law?" Would you support or oppose this amendment? Results: 69% Support, 24% Oppose. Majority of Black Americans (45%-44%) support voter ID amendment in North Carolina.

https://gallery.mailchimp.com/259a50ef0a1608ab2bc2cf891/files/ddad024c-9c08-44e3-8057-f5c421423215/Civitas_5AmendmentPoll.pdf

Texas: Texas Democrat Pins Primary Loss on 'Voter Fraud'

A South Texas Democrat candidate, who lost by six votes in a recent primary runoff, is contesting the race results against the Democrat winner, claiming "irregularities, misconduct, and fraud" impacted the outcome of the election. Ofelia "Ofie" Gutierrez sued her opponent, Esequiel "Cheque" De La Paz, to whom she lost in the May 22 runoff election for Kleberg County Justice of the Peace, Precinct 4. De La Paz won by a tally of 318 to 312. On June 8, Francisco Alvarez, an attorney for Gutierrez, filed a six-page petition in the 105th District Court in Kingsville. It alleges more than six illegal votes were included in the "final certified election" count. The court document contended that "a rash of new voter registrations" were filed in the last days before the election by individuals who resided outside the "territorial boundaries" of the precinct. It also charges voters fraudulently claimed an address "that was not physically able to accommodate" them.

<http://www.breitbart.com/texas/2018/06/12/texas-democrat-pins-primary-loss-on-voter-fraud/>

(more)

REDISTRICTING

Holder Redistricting Group Backs Lawsuits for Three Additional Majority-Black Congressional Districts

A group backed by former U.S. Attorney General Eric Holder is fighting for additional majority-black congressional districts in Alabama, Georgia and Louisiana according to three new lawsuits filed. The National Redistricting Foundation (NRF), an arm of Holder's National Democratic Redistricting Committee, says it's working to get black voters an equal opportunity to elect their chosen candidates. Matt Walter, president of the Republican State Leadership Committee, argued that Democrats are trying to win congressional seats through litigation. "Fast and Furious Eric Holder is again resorting to cheap politically-motivated stunts aimed at taking away authority from legislators accountable to the people in an attempt to draw district lines after Democrats have lost nearly 1,000 state legislative seats since 2010," he said in a statement. "The cynical lawsuits filed today by Holder and the Democrats are crass attempts to rally the left-wing base and to elect more Democrats through litigation, instead of running winning campaigns on policies and ideas that voters actually want."

<http://thehill.com/homenews/campaign/392145-holder-redistricting-group-backs-lawsuits-for-3-additional-majority-black>

Daily Signal: Census Bureau Has Been Co-Opted by Leftist Ideologues

"Are you an American or not?" It's a simple question, one that every U.S. census should include, especially when the survey already contains nonsensical and intrusive inquiries into one's ethnic DNA composition and whether one co-habits with someone of the opposite sex or one's own. Whether you are a citizen or not is a valid question in a civic-minded constitutional democracy. Whether your parents are ethnic Chinese born in Peru or you are a nonpracticing heterosexual, not so much. And yet, the inclusion of a citizenship question and other changes rightly being made by the Trump administration to the 2020 census caused a lamentably predictable furor on Thursday, at the first day of the spring 2018 meeting of the Census Bureau's National

Advisory Committee on Racial, Ethnic, and Other Populations. If anything, it was a case study in how the relationship between the bureau and its outside advisers has become dysfunctional.

<https://www.dailysignal.com/2018/06/15/census-bureau-has-been-co-opted-by-leftist-ideologues/>