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ACRU Election Integrity Bulletin

LEAD

Supreme Court Sides with Texas in Redistricting Map Dispute

A sharply divided Supreme Court kept in place most of a controversial Texas redistricting plan enacted by the GOP-led legislature, despite lawsuits from civil rights groups claiming it was discriminatory. The case involved claims of racial gerrymandering—that election maps had the effect of harming the voting rights of black and Hispanic voters. The 5-4 decision kept in place all but one challenged district, striking down the conclusions of a special three-judge federal panel that had ruled against the state. That judicial panel, though, initially had approved the voting maps on an interim basis, boundaries that were subsequently enacted by the state legislature. That, said Justice Samuel Alito for the conservative majority, showed a presumption of good faith. <http://www.foxnews.com/politics/2018/06/25/supreme-court-sides-with-texas-in-redistricting-map-dispute.html>

FEDERAL

Voter Fraud Much Greater Threat Than Election Hacking, Missouri's Jay Ashcroft Says

Missouri Secretary of State Jay Ashcroft on Wednesday called voter fraud “an exponentially greater threat than hacking” to the U.S. election system. But Ashcroft also testified during a hearing on Capitol Hill that his office detects 100,000 scans per day on its computer systems—possibly from hackers trying to break in. “We cannot say which of those are targeted to elections,” Ashcroft told the panel of senators. “We have to treat them as if they’re all targeted to elections because if they find one way in, they’ll go from there to elections. So, we treat them all as attacks.” <https://www.kansascity.com/news/politics-government/article213550254.html>

CBS: Salvadoran Man Indicted for Immigration and Voter Fraud Violations in East Texas

Mario Obdulio Orellana, a 57-year-old Salvadoran national, was indicted on federal immigration violations in East Texas on June 6, 2018. He was charged with two counts of false representation of U.S. citizenship, false statement in application for a passport, unauthorized use of a Social Security number, and voter fraud. According to court proceedings, Orellana is suspected to have come into the U.S. illegally from El Salvador in the early 1980s. While illegally living in Shelby County in 1987, Orellana is suspected to have used falsified documents to get a birth certificate showing he was born in the United States; a passport as a U.S. citizen; and a social security number and register to vote as a U.S. citizen. He is also suspected to have fraudulently voted in the November 2016 election. Orellana could serve up to 10 years in federal prison. <https://www.cbs19.tv/article/news/local/salvadorian-man-indicted-for-immigration-and-voter-fraud-violations-in-etx/501-566652052>

STATES

Arizona: Voter Signature Fraud Allegations Hit Unprecedented Levels in Campaigns

Accusations of pervasive forgery on candidate nomination petitions have spread to multiple Arizona campaigns, from two statehouse races to a primary contest for U.S. Congress. Elections officials and political consultants say such pervasive accusations of voter-signature fraud are unprecedented in recent state history. <https://www.azcentral.com/story/news/politics/elections/2018/06/22/arizona-elections-allegations-voter-signature-fraud-spreading/724196002/>

Colorado: Hundreds of State's Unaffiliated Voters Incorrectly Returned Both Democratic and Republican Primary Ballots

Unaffiliated voters in Boulder County and Broomfield appear to be doing a better job of following directions than their counterparts in a number of other parts of Colorado. Other county clerks in Colorado have reported that hundreds of unaffiliated voters have failed to follow instructions, with individual voters turning in both Republican and Democratic primary election ballots rather than voting in just one of those parties' primaries.

http://www.timescall.com/news/elections/ci_31953528/colorado-voters-unaffiliated-primary-voters

Kansas: State Is Ground Zero of Illegal Voting, Yet Federal Judge Issues Reprieve

Hundreds and perhaps thousands of non-citizens are illegally registered to vote in Kansas, a state that is at ground-zero in the conservative effort to police voter rolls and the liberal campaign to protect them. The numbers are contained in a new study by Old Dominion University political science professor Jesse T. Richman. Mr. Richman's Kansas analysis begins with the assumption that 115,550 adult non-citizens live in the state, based U.S. Census figures. Based on actual names on registration lists, he estimates the number of noncitizen registered voters is between 1,202 and 3,813 based on the CCES from 2008 to 2016. Mr. Richman told *The Washington Times* he is now working on new national numbers based on the 2016 CCES and its other surveys. Mr. Richman's previous work estimated that from 38,000 to 2.8 million non-citizens voted in the 2008 election won by Barack Obama. A 2013 National Hispanic Survey found that 13 percent of noncitizen Hispanics said they were registered to vote. That percentage could mean that 800,000 to 2.2 million noncitizen Hispanics are registered, based on U.S. Census Bureau statistics for that demographic, a nonprofit research group told *The Times*.

<https://www.washingtontimes.com/news/2018/jun/23/kansas-is-ground-zero-of-illegal-voters-yet-federa/>

Maine: Ranked-Choice Ballot Count Runs into Technical Problems

Technical problems added another day to the week-long wait for the next round of ranked-choice ballot counting in Augusta. Elections officials had expected to run the

tabulations on Tuesday, but problems scanning electronic records of ballots from some communities forced them to delay the count until Wednesday. They now say to expect results of the computer retabulation sometime Wednesday.

<https://bangordailynews.com/2018/06/19/politics/maines-ranked-choice-ballot-count-runs-into-technical-issues/>

Nevada: 43 Double Votes May Prompt Redo of Clark County Election

Clark County Registrar of Voters Joe Gloria is calling for a redo of a primary election decided by a razor-thin margin because 43 voters may have cast ballots twice as a result of an "unacceptable" failure in procedure by poll workers. Aaron Manfredi won the Republican primary for county administrator on June 12 by only four votes. A total of 59,032 votes were cast in that race. "Because the number of discrepancies is higher than the difference in the candidates' totals, (the registrar) is unable to certify the results of this race and is calling for a special election to resolve the contest," county spokesman Dan Kulin wrote in a statement.

<https://www.reviewjournal.com/news/politics-and-government/clark-county/43-double-votes-may-prompt-redo-of-clark-county-election/>

Nevada: Man Pleads Guilty to Voter Fraud

A Las Vegas man has pleaded guilty to one count of Misconduct in Signing, Filing, or Altering Petition, a category "D" felony. According to the Nevada Attorney General's Office and Secretary of State's Office, 48-year-old Patrick Duffy falsified signatures on petitions to qualify the Nevada Green Party for general election ballot access in 2016, then submitted those falsified petitions to be filed. While submitting those petitions, Duffy swore under penalty of perjury that the signatures were legitimate. "Protecting the integrity of the elections process from voter fraud and ensuring that the will of Nevadans is heard remains a priority for my office and this state," said Attorney General Adam Laxalt. "Ensuring the integrity of the petition process is a very important responsibility of this office," says Secretary of State Barbara Cegavske. "Those individuals and entities that participate in the gathering of voter's signatures on petitions must be diligent in their adherence to the law. Falsifying a signature on a petition is a category "D" felony."

<http://www.kolotv.com/content/news/Man-pleads-guilty-to-voter-fraud-in-Nevada-486297271.html>

(more)

New York: Monroe Man Pleads Guilty to Voter Fraud in Bloomingburg

A consultant to and co-defendant of real estate developers Shalom Lamm and Kenneth Nakdimen has pleaded guilty in federal court to conspiring to corrupt the electoral process, federal prosecutors said. Volvy “Zev” Smilowitz, 29, of Monroe, took the plea in U.S. District Court in White Plains, and sentencing was set for Oct. 24. Prosecutors say the three men sought to build and sell real estate in Bloomingburg, with the hope of making “hundreds of millions of dollars.” By late 2013 the Chestnut Ridge condo project, geared toward Hasidic Jewish buyers, was still under construction and mostly uninhabitable, and local opposition was growing. Prosecutors say the trio chose to co-opt the March 2014 village election instead of trying to advance their project by legitimate means.

<http://www.recordonline.com/news/20180619/monroe-man-pleads-guilty-to-voter-fraud-in-bloomingburg>

New York: Governor’s Parolee Voting Plan Does Not Bar Sex Offenders from Entering Schools to Vote

The restoration of voting rights for more than 24,000 paroled felons has triggered concerns that dangerous sex offenders will be entering schools to cast their ballots on election day. Gov. Andrew Cuomo, a Democrat seeking a third term this year, issued an executive order in April that made parolees eligible for conditional pardons for the intention of allowing them to participate in elections. By using his executive powers, the governor was able to bypass the Legislature. State Sen. Rob Ort, R-North Tonawanda, argued Wednesday that Cuomo’s move was poorly conceived and sets the stage for a host of problems that will have to be faced by school administrators and staffers at local boards of election. “This was an ill-thought-out plan and its disastrous public policy,” said Ort, noting it is not uncommon for high-risk sex offenders to seek out new victims to molest or rape.

http://www.niagara-gazette.com/news/local_news/ort-criticizes-cuomo-s-parolee-voting-plan/article_38ff2897-2a89-5a8a-b621-d90b568532d0.html

North Carolina: Republicans Want Lawmakers, Not Governor, to Decide Who Oversees Elections

Republicans want legislative leaders to appoint all members of the state elections board, a power now held by the governor. State House GOP leaders introduced a proposal to change the North Carolina Constitution to create an eight-member State Board of Elections and Ethics Enforcement with all members chosen by the House speaker and the Senate leader. Voters would have to agree in November to change the constitution if the proposal wins approval in the House and Senate. Democratic Gov. Roy Cooper and Republican legislators have been fighting over the makeup of the board since Cooper’s election in November 2016. The GOP proposal would mean that the governor would have no say in elections board membership. “The elections and ethics oversight process should not be partisan and this constitutional amendment protects the board’s impartiality in the strongest possible language,” House Speaker Tim Moore said in a statement.

<http://www.newsobserver.com/news/politics-government/article213683029.html>

Tennessee: Voter Fraud in Williamson County? Counsel Looking at Allegations Ahead of Early Voting

The decision of whether two Williamson County Democratic candidates committed voter fraud will now rest with the Tennessee District Attorney’s Conference. Back in late April, the Williamson County Election Commission sent forward allegations of voter fraud against House District 63 candidate Bill Peach and county commission candidate Anne McGraw. Both candidates voted in the Republican primary in May, and will appear as Democratic candidates on the August ballot.

<https://www.tennessean.com/story/news/local/williamson/2018/06/19/allegations-williamson-voter-fraud-bill-peach-and-anne-mcgraw-loom-before-early-voting/713763002/>

Texas: State Orders Emergency Election to Replace Convicted Democrat State Senator

Texas Governor Greg Abbott called for an emergency special election to replace San Antonio Democrat State Senator Carlos Uresti, who resigned this week following 11 federal convictions for fraud and money laundering.

<http://www.breitbart.com/texas/2018/06/21/texas-orders-emergency-election-to-replace-convicted-democrat-state-senator/>

Texas: Dallas Man Pleads Guilty in 2017 West Dallas Voter Fraud Investigation

Miguel Hernandez, 28, arrested in July for illegal voting, pleaded guilty to improperly returning a marked ballot, a Class A misdemeanor, according to Johnson. Hernandez will serve 180 days in jail. “This is the first of many milestones in the ongoing investigation into voter fraud in Dallas County,” Johnson says. “We must protect the process so that all citizens may have confidence in the system.” A Dallas County grand jury indicted Hernandez last spring as part of an investigation into potential voter fraud in Dallas’ May 2017 municipal election.

<http://www.dallasobserver.com/news/dallas-man-gets-six-months-for-vote-fraud-10819409>

Virginia: More Than 400 Voters Assigned to New Districts After State Review of Map Errors

Virginia election officials recently reassigned 482 voters to new congressional districts as the state continues to grapple with mapping errors that sowed confusion in several close General Assembly races last year. In a review of congressional district lines ahead of last week’s primaries, the Virginia Department of Elections identified 1,193 addresses potentially assigned to the wrong congressional district in the state’s voter system, according to Elections Commissioner Chris Piper. After local registrars looked into the addresses in question, 903 were determined to be in the correct district and 269 residences, home to a total of 482 voters, were mapped incorrectly. An additional 21 were still under review, Piper told the State Board of Elections on Tuesday. The problem of misassigned voters was thrust into the spotlight last year when issues emerged in several House of Delegates races that were so close they went into recounts.

https://www.roanoke.com/news/virginia/more-than-virginia-voters-assigned-to-new-districts-after-state/article_e5c0c71b-7696-5a61-b227-026adf86e72d.html

REDISTRICTING

The Inquirer: Top PA Republicans Appeal Gerrymandering Case to U.S. Supreme Court

Pennsylvania’s top two Republican lawmakers filed an appeal Thursday with the U.S. Supreme Court challenging a ruling that the state’s congressional boundaries constituted a partisan gerrymander and ordered them redrawn. Senate President Pro Tempore Joe Scarnati (R., Jefferson) and House Speaker Mike Turzai (R., Allegheny), who twice were rebuffed by the court in seeking emergency requests to stop the redrawing of the maps pending appeal, now are asking the nation’s highest court to take up the case itself and rule on its merits. Their request comes as a deadline looms for passing legislation to change the way the state draws its election lines in time for the next re-mapping in 2021. The court does not have to take up the case; of the thousands of requests filed each year asking the U.S. Supreme Court to intervene, the success rate is in the single digits. Scarnati and Turzai contend the state Supreme Court’s January decision seized legislative power to run elections and draw electoral maps.

<http://www.philly.com/philly/news/pennsylvania-gerrymandering-congressional-map-supreme-court-scotus-appeal-republicans-20180621.html>

OneNewsNow: SCOTUS’s ‘Partisan Gerrymandering’ Rulings Praised

In the two cases, the high court unanimously ruled that state legislatures—not courts—have the authority to draw Congressional boundaries—except in cases where a redistricting plan targets a “racial minority for special discriminatory treatment.” ACRU board member, Public Interest Legal Foundation (PILF) Founder and Chief Counsel J. Christian Adams—a former DOJ attorney—explained the significance of SCOTUS’s rulings. “It means that the Supreme Court is not going to get in the business of deciding what district lines are anytime soon,” Adams stressed. “They’re going to leave that to the people who have always done it with their state legislatures.”

<https://www.onenewsnow.com/legal-courts/2018/06/20/scotuss-partisan-gerrymandering-rulings-praised>