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ACRU Election Integrity Bulletin

LEAD

ACRU Defends Legislative Authority Over Redistricting

The U.S. Constitution states that state legislatures determine the time, place, and manner of elections—which includes redistricting. But the Pennsylvania Supreme Court substituted itself for the legislature when it drew Pennsylvania’s congressional districts. Two of the court’s seven members expressly campaigned for office on a platform that attacked the current congressional map. They refused to recuse themselves, which is what they should have done as judges. The court also abandoned its court procedures—it promptly seized control over the lawsuit, did not hear evidence, refused to conduct a hearing, and did not even explain how it decided on its map. The map even violated the court’s own legal standards. It was an extreme partisan map, it used many “tentacles” to gerrymander congressional districts, and it was widely viewed as a partisan gerrymander. In short, the Pennsylvania went far beyond its authority by imposing a proportional representation scheme. If allowed to stand, the Pennsylvania Supreme Court’s actions will render meaningless the term “legislature” in the U.S. Constitution.

<https://www.theacru.org/acru-defends-legislative-authority-over-redistricting/>

FEDERAL

Daily Caller: The Myth of “Racist Voter ID laws” Refuses to Die

The myth of the “racist voter ID laws” is the thing that won’t die. Last week, CNN’s April Ryan brought up the issue in a press briefing with White House Press Secretary Sarah Sanders, which centered on the Trump administration’s response to Russia’s election meddling. “So, Sarah, since you keep saying that the president is very

concerned about the election process...you did not mention voter suppression in that. Voter suppression has been an issue for decades and particularly in these last few elections,” Ryan said. “When he was talking about voter fraud people were talking about voter suppression. Is voter suppression now on the table as well?” Sanders’s reply “to protect the integrity of our elections” pivoted because she’s smart enough to know not to go down this road. For Democrats, the term “voter suppression” is code for voter ID laws—the simple practice of requiring a person to show identification before they cast a vote in an election. The left has cried that Republicans are intentionally disenfranchising minorities by requiring ID to cast a ballot. The only problem is that the data shows the exact opposite and liberal activists and politicians turn a blind eye to research that highlights this fact.

<http://dailycaller.com/2018/07/23/the-myth-of-racist-voter-id-laws-refuses-to-die/>

Washington Times: Liberal Enclaves Embrace Noncitizen Voting

Forget the Russian government—foreign nationals are increasingly gaining the ability to influence American elections more directly. They’re being granted the right to vote. From Boston, where the city council is debating the move, to San Francisco, where noncitizens gained the right earlier this month in school-board elections, jurisdictions are looking to expand the boundaries of the electorate beyond its citizens. Several Republicans fired back this week. Rep. Jeff Duncan of South Carolina announced a bill that would strip federal funding from states or localities that allow noncitizens to vote in their elections. “Allowing noncitizens to water down the voice of American citizens at the voting booth disrespects their sacrifice and the value of American citizenship,” Mr. Duncan said in announcing the legislation. “Now more than ever, it is critical that we ensure only American citizens are casting ballots in this country.” And former Rep. Doug Ose, California Republican, told the Los Angeles Times he’s submitted a ballot proposal to officially stop San Francisco and other California jurisdictions from allowing noncitizen voting. If

he gets enough signatures, voters would decide in 2020 whether to adopt the prohibition. “It’s very simple. I don’t think noncitizens should be voting,” the congressman told the newspaper. The Founders designed the election system for our country, they prevented any one central authority from having power over the outcome. They were concerned about domestic threats to the sanctity of the process. State control over elections free from federal meddling, and having localities within those states conduct the elections, makes it difficult to manipulate outcomes or usurp authority. Some want to change our presumption of local control. As usual in Washington, money is sweetening the pot. Federal dollars devoted to “critical infrastructure” have produced the familiar buzz of contractors swarming to a honey pot of cash. Bureaucrats at the Department of Homeland Security, eager to increase their own job security, have risen to the occasion in classic Washington style, seeking to “fix” a problem that does not exist. Remember that it was the federal government that could not prevent the massive data breach at the Office of Personnel Management. Washington should get its own house in order first.

<https://www.washingtontimes.com/news/2018/jul/26/noncitizen-voting-push-liberal-jurisdictions-draws/>

STATES

Alabama: 11th Circuit Hears NAACP Challenge to State’s Voter ID Law

Attorneys representing a state NAACP chapter asked the 11th Circuit on Friday to throw out a district court ruling which dismissed their challenge to Alabama’s voter ID law without a trial. In January, U.S. District Judge L. Scott Coogler ruled that the 2011 law, which requires absentee and in-person voters to show photo ID in order to cast a ballot, is constitutional. Coogler found no evidence that the Alabama legislature passed the law with “racially discriminatory intent or for a racially discriminatory purpose.” Under the law, which went into effect in 2014, Alabama voters must present at least one form of photo ID to cast their ballots. The state offers a variety of free methods for obtaining photo IDs, including in-home visits by a mobile ID-issuing unit.

<https://www.courtsnews.com/11th-circuit-hears-naacp-challenge-to-alabama-voter-id-law/>

Florida: Democrats Attack Law that Lists Republicans First

The Democratic National Committee, its three congressional and legislative campaign groups and a

progressive advocacy group, Priorities USA, want a federal judge to strike down Florida’s 67-year-old law, which for most of that time favored Democrats, and replace it with a random system. Rick Scott won two close races for governor by a single percentage point. President Donald Trump carried Florida by 1.2 points in 2016. The two Republicans ran in different years, but they had something in common. Their names appeared first on the ballots, above those of their Democratic rivals, and Democrats argue in a lawsuit that Republicans no longer should enjoy an unfair advantage. In Florida, the listing of candidates in partisan races favors the party that controls the governor’s office. Now, with Democratic Sen. Bill Nelson in the fight of his political life, and with polls showing a very close race, Democrats want to change the ballot order law that they say creates “position bias,” calling it “an invisible thumb... on the scale in favor of Republican candidates.”

<https://www.tampabay.com/florida-politics/buzz/2018/07/24/democrats-attack-florida-law-that-lists-republicans-first-on-ballots/>

Iowa: State Appeals Voter ID Injunction

The Iowa Secretary of State’s office announced Friday it was appealing a Polk County District Court injunction that put on hold for now three key provisions of the state’s voter identification law. The early voting period for the November midterm election is restored from 29 to 40 days. Absentee voters will not be required to provide an ID number on applications for ballots. County auditors will be barred from rejecting an absentee ballot if they believe a voter’s signature doesn’t match the signature on record.

https://wfcourier.com/news/local/govt-and-politics/state-appeals-voter-id-injunction/article_82d97070-0082-5ac9-9ba8-b9f434283308.html

New Hampshire: Officials Say College Students Don’t Have Standing to Sue over Election Law

Six college students listed as plaintiffs in a lawsuit that challenges the Senate Bill 3 election reform bill are legally able to vote in New Hampshire and lack the standing necessary to challenge the law, New Hampshire officials said in recent court filings. The six produced proof of dormitory addresses, leases or New Hampshire driver licenses during the discovery process, when lawyers queried the opposing party about claims made in the lawsuit. Under the law, the documents are enough to prove residency for voting purposes. The New Hampshire Democratic Party and League of Women Voters filed the lawsuit shortly after Gov. Chris Sununu signed Senate Bill 3 last year.

<http://www.unionleader.com/article/20180724/NEWS06/180729744&source=RSS>

Nevada: Clark County Wants Six Investigated for Possible Voter Fraud

The Nevada Secretary of State's office has launched a voter fraud investigation into six Clark County residents who voted twice during the June 12 primary election, county Registrar of Voters Joe Gloria said Tuesday. Gloria said he recommended the case to the secretary of state's office following the discovery that 43 voters may have cast ballots twice in the primary election due to a combination of technical problems and errors made by volunteer poll workers. "We feel there is sufficient reason for them to investigate that these (six) people may have purposefully, fraudulently voted twice," Gloria said. "The secretary of state has assigned it to their investigative team, and they are currently in the process of investigating all six cases." Gloria said he could not release the names of the six voters under investigation due to the ongoing investigation.

<https://www.reviewjournal.com/news/politics-and-government/clark-county/clark-county-wants-6-investigated-for-possible-voter-fraud/>

New York: Critics Say Pardons Will Give Sex Offenders Access to Schools

Schools are generally off-limits for sex offenders, but not when it comes time to vote. A carveout in the state's criminal trespass laws allows sex offenders to enter a school for the specific purpose of voting, including school district votes and other government elections, where the school is the polling site. The issue has jumped into the public's consciousness as the result of outcry by some Republicans about conditional pardons recently issued by Gov. Andrew M. Cuomo that could speed up the restoration of voting rights for sex offenders on parole. A fact sheet from the state School Boards Association explains that level two and three sex offenders, who are deemed to be a moderate or high risk of offending again, are eligible to vote at a school if they're no longer on parole, probation or conditional discharge.

<https://bit.ly/2Ly0TQS>

Pennsylvania: State Review of Voter Registrations Narrows List of Potentially Ineligible Voters to 8,698

After reviewing voter records to determine how many people—including those who were not U.S. citizens—may

have been ineligible to vote when they registered, the state has narrowed the list to 8,698 people for further review, according to an analysis by the Pennsylvania Department of State. The analysis was triggered by the discovery last year of an oversight in the Pennsylvania Department of Transportation's motor-voter system. The review first uncovered 11,198 potentially ineligible voters on the rolls, prompting the agency to undertake a process of confirming registrations. That resulted in 2,500 people being removed from the list recently. But about 8,700 of those registrants remain on the rolls across 64 counties, and those counties will now be tasked with confirming their eligibility or removing them from the rolls. Allegheny County has the second-highest number of potentially ineligible registrants at 700, behind only Philadelphia County, which has more than 2,000 pending. Of the 2,500 individuals removed from the list in the first rounds of verification by the State Department, 1,915 were certified eligible to vote, 215 registrations were canceled, and 286 had already been canceled. It is not yet clear if any—or how many—of the more than 11,000 registrants cast an illegal vote in an election, or if any illegal ballots were cast in the May primary, which the department indicated beforehand it was trying to prevent.

http://www.philly.com/philly/news/voter-system-glitch-pennsylvania-non-citizens-registration-motor-voter-20180727.html?_vz=medium%3Dsharebar

Tennessee: Provision to Abolish IRV and City Runoff Provision Will Remain on Memphis November Ballot

After intense lobbying by advocates of instant runoff voting, Memphis city council members doubled down Tuesday, July 24, on their decision to put a referendum on the Nov. 6 ballot that would do away with the current city charter provision calling for instant-runoff voting. On a 0-10 vote the council voted down on first reading an ordinance that would have taken the question off the ballot. The defeat on first reading means the ordinance does not advance to second and third readings under council rules. The system of voters selecting and ranking multiple choices for single member city council district seats has never been used in Memphis although it's been a part of the city charter for nearly a decade.

<https://www.memphisdailynews.com/news/2018/jul/25/moves-to-abolish-irv-and-city-runoff-provision-remain-on-november-ballot/>

(more)

Texas: Woman Charged in Voter Fraud Investigation Set to Appear in Court

A woman arrested as part of a voter fraud investigation in the city of Hidalgo will be back in court on Monday. Marciela Gutierrez is facing several charges, including illegal voting, and 10 counts of unlawful assistance to a voter. Police say the Mexican national voted in the 2016 election and allegedly cast ballots for a candidate.

<http://www.krgv.com/clip/14509092/woman-in-voter-fraud-investigation-set-to-appear-in-court>

REDISTRICTING

Arkansas: Ballot Proposal on Redistricting Approved by Attorney General

A ballot initiative to change state legislative and U.S. Congressional redistricting in Arkansas has been approved by the Attorney General. The Arkansas Citizens Redistricting Amendment would establish a seven-member citizens' redistricting commission to replace the state Board of Apportionment, a committee made up of the governor, attorney general and secretary of state that currently draws state legislative redistricting lines.

<http://www.ualpublicradio.org/post/ballot-proposal-redistricting-approved-attorney-general>