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Voting
Integrity
Institute

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ACRU Election Integrity Bulletin

LEAD STORY

Nineteen Foreign Nationals Charged for Voting in 2016 Election: Multiple Defendants Voted in More Than One Election

Robert J. Higdon, Jr., United States Attorney for the Eastern District of North Carolina today announced that nineteen foreign nationals were charged with voting illegally in the 2016 general election. A twentieth defendant was charged with aiding and abetting a fellow defendant in falsely claiming United States citizenship in order to register to vote.

<https://www.justice.gov/usao-ednc/pr/nineteen-foreign-nationals-charged-voting-2016-election>

FEDERAL

The Hill: Brett Kavanaugh is on Side of Supreme Court on Voting Laws

Ari Berman leads the Chicken Little chorus, writing, “does Brett Kavanaugh spell the end of voting rights?” A July article out of the Center for American Progress casually forecasts the end of “competitive elections” if Kavanaugh is confirmed to the high court. This is laughable. In fact, what Kavanaugh’s record reveals on voter identification is careful consideration of the right to vote with the concurrent need to secure fair and honest elections. Opponents justify their despair by pointing to a single legal opinion authored by Judge Kavanaugh in 2012 in which he and two others unanimously agreed South Carolina’s voter identification requirement is compatible with the Voting Rights Act. The state required voter identification in

some form for 30 years. When changes were made in 2011, the Obama administration blocked the law from taking effect, alleging it would disenfranchise tens of thousands of voters in the Palmetto State. That prediction, however, was not supported by the facts. As Judge Kavanaugh wrote in his opinion, South Carolina permits anyone to vote using a number of readily available forms of identification, including a driver’s license, a DMV photo identification card, a passport, a federal military identification, and a newly created photo voter registration card, which could be obtained for free at all county elections offices.

<http://thehill.com/opinion/judiciary/403483-brett-kavanaugh-is-on-side-of-supreme-court-on-voting-laws>

WSJ: FBI, DHS Chiefs Unaware of ‘New or Ongoing’ Election Hacks in Florida

The chiefs of the Federal Bureau of Investigation and the Department of Homeland Security said in a letter that they are not aware of any new or persistent hacks that have compromised state or local election systems in Florida, countering public statements made recently by the state’s senior senator while acknowledging intrusions are possible. “Although we have not seen new or ongoing compromises of state or local election infrastructure in Florida, Russian government actors have previously demonstrated both the intent and capability to conduct malicious cyber operations,” FBI Director Christopher Wray and DHS Secretary Kirstjen Nielsen wrote to Florida Secretary of State Ken Detzner, according to a copy of the letter reviewed by *The Wall Street Journal*. The letter, which was dated Monday, represents the first time the FBI has weighed in on assertions earlier this month by Florida Sen. Bill Nelson, a Democrat who is facing reelection in November, that Russian hackers penetrated some voter-registration systems in his home state ahead of the midterm

elections. A DHS spokeswoman and the Florida agency in charge of elections had previously said they weren't aware of evidence supporting Mr. Nelson's claims. A person familiar with the letter said the statement applied to election vendors and their networks as well as voting equipment itself.

<https://www.wsj.com/articles/fbi-dhs-chiefs-unaware-of-new-or-ongoing-election-hacks-in-florida-1534865521>

STATES

Alabama: SOS John Merrill: Anyone Who Believes Viral Election Hacking Video 'Is Not Thinking Very Clearly'

After a video recently went viral on social media depicting American election equipment being easily hacked at this summer's Def Con hacking conference, Alabama Secretary of State John Merrill told *Yellowhammer News* that it is "unconscionable" that anyone would give the video "any credence." Even though this particular type of voting equipment is not used in Alabama, Merrill was quick to point out the clear and overarching fallacy in the hacker's panic-causing assertion. "I don't know that there's a singular problem with the equipment that's been challenged, because I can't think of a single jurisdiction in the United States of America where a polling official would allow anybody that is not authorized to come into contact with the voting equipment and have unfettered access to that equipment at the level that would give them unbridled permission to compromise the integrity of the equipment," Merrill said in a *Yellowhammer News* exclusive interview. He continued, "Without question, I can't think of any jurisdiction where that'd be allowed to occur. It certainly would not be allowed in the state of Alabama." Merrill slammed the video, which currently has approximately 2 million views, and people who are using it to stir up mass hysteria about election security.

<https://yellowhammernews.com/john-merrill-anyone-who-believes-viral-election-hacking-video-is-not-thinking-very-clearly/>

Florida: But It's Not Vote Fraud...

In Florida's Broward County (Fort Lauderdale) more than 100 percent of the voting age population was registered to vote. But it's not voter fraud, we're supposed to believe. At least that's the view of Broward County Supervisor of Elections Brenda Snipes who has refused to fully maintain voting lists, to weed out noncitizens, the dead, those who vote elsewhere, those registered at commercial addresses and those ineligible due to federal felony convictions. While the fact that more people registered to vote than the number who are eligible to vote doesn't ipso facto prove voter fraud, it certainly enables it. Snipes apparently doesn't think so, claiming that she regularly verifies the list as required by law. Snipes has run into a number of legal problems before, but she successfully defended the indefensible when a federal judge ruled in her favor in a suit brought by the conservative American Civil Rights Union charging her with being too lenient in removing unqualified voters. The ACRU, appealing the American Civil Rights Union decision, has now filed its argument with the appeals court, alleging that Snipes has violated the federal National Voter Registration Act, by "failing to remove ineligible names from voter rolls and putting citizens' votes at risk of being diluted by ballot fraud." <http://www.chicagonow.com/dennis-byrnes-barbershop/2018/08/but-its-not-vote-fraud/>

Hawaii: Voter Fraud Allegations Demand an Investigation

Hawaii residents cite a number of reasons for not voting, including that one party dominates local politics. Consider the possibility, however, that there are people who do vote but mainly to ensure that their medical care does not suddenly cease. That is the awful scenario at the heart of a lawsuit filed Monday that alleges state Rep. Romy Cachola "intimidates voters and interferes with the elective franchise by directly asking for votes from those seeking essential healthcare services."

<https://www.civilbeat.org/2018/08/romy-cachola-voter-fraud-allegations-demand-an-investigation/>

(more)

Maine: Governor LePage Tells Portland Mayor It's Illegal to Give Voting Rights to Noncitizens

Gov. Paul LePage sent a letter to Portland Mayor Ethan Strimling explaining why his proposal to allow noncitizens to vote in municipal elections would violate state law. LePage pointed to several statutes, including a law that specifies the criteria for registering and voting in an election in Maine, with the first criteria being “the person must be a citizen of the United States.” The governor said other laws stipulate that Portland can’t exempt local elections from these criteria by amending the city charter.

<https://www.centralmaine.com/2018/08/22/lepage-tells-portland-mayor-its-illegal-to-give-noncitizens-voting-rights/>

North Carolina: Court Leaves Voter ID Amendment on Ballot

The court on Tuesday denied the NAACP request to remove an amendment that would have voters decide whether to enshrine a voter photo ID requirement in the state constitution and another amendment that would reduce the maximum state income tax rate from 10 percent to 7 percent. The ballot language for those amendments is not misleading, the order said. The judges said Clean Air Carolina does not have legal standing to bring a lawsuit.

<https://www.newsobserver.com/news/politics-government/article216880225.html>

North Carolina: Lawmakers Will Vote on Rewrite of Constitutional Amendments

The North Carolina General Assembly will come back into session on Friday and Monday to hold votes to rewrite two constitutional amendments struck down by a three-judge panel earlier this week because of misleading language. The state House will meet at 10 a.m. Friday after 72 members agreed to call the House back into session. House Speaker Tim Moore, a Cleveland County Republican, said: “The General Assembly will write new ballot referendums in compliance with the court’s ruling because the proposals provide a popular bipartisan balance in our state government that will benefit the people of North Carolina who deserve a voice in considering reforms to

their constitution.” Thirty-two senators agree to call the state Senate back into session. The Senate will also meet on Friday but will not hold votes. Instead, it’ll meet on Monday to consider any bills the House voted on.

<https://www.newsobserver.com/news/politics-government/article217220110.html>

Texas: Non-Citizens Registered to Vote, Some Cast Ballots

Hundreds, if not thousands of non-U.S. citizens, are registered to vote in Texas, and some have cast ballots in elections, WFAA discovered. “We now know for sure that noncitizens are voting. The question is how many and how big of an issue it is,” said state Sen. Don Huffines, R-Dallas. Direct Action Texas, a conservative grassroots organization, originally made the claim at a news conference in Farmer’s Branch last week. Turns out, it is true. Noncitizens are registered to vote in Texas and the bureaucracy is partially to blame. The Texas Secretary of State said efforts are underway right now to improve the voter database and determine the exact number of noncitizens currently eligible to vote. “We think it’s very likely we’ve had noncitizens cast ballots,” Texas Attorney General Ken Paxton said. “We had that in Tarrant County. We prosecuted somebody who had done that and they ended up in prison for eight years.”

<https://www.wfaa.com/article/news/non-citizens-registered-to-vote-in-texas-some-cast-ballots/287-586659115>

(more)

West Virginia: Secretary of State's Office Hits 100,000 Removals in Voter Registration Clean-up

More than 100,000 voter registrations across the state have been removed as part of an initiative to clean up the state's voter registration list, according to Secretary of State Mac Warner. In an effort that saw the Election Division of Warner's office working with all of West Virginia's county clerks, officials worked to remove registrations of those who are deceased or convicted felons and registrations that are outdated or are duplicate. "My office has a sincere appreciation for what county clerks do, and we know that county clerks are focused on free and fair elections. Most importantly, they know that election security starts with a valid, updated and accurate voter registration list," Warner said. "Clean lists reduce opportunities for fraud, lower waiting times at polls, reduce campaign costs for candidates and save money because fewer ballots need to be printed. It will also provide for more accurate turn-out figures."

<https://bit.ly/2MBs4L8>

REDISTRICTING

Lawyers for Virginia House GOP Renew Call for Stay of Redistricting Order

Lawyers for the Virginia House of Delegates and Speaker Kirk Cox said they will pursue new district boundaries, but renewed their request to delay a redistricting order while they pursue their appeal to the U.S. Supreme Court. A three-judge federal panel had given House GOP leaders until Friday to note whether they intended to comply with their order requiring lawmakers to submit new district lines for the House of Delegates by Oct. 30. The judges previously ruled that in the 2011 redistricting process Virginia lawmakers unconstitutionally packed too many additional African-Americans into 11 majority-black districts, diluting black voting power in neighboring districts that lean Republican. Gov. Ralph Northam has called the legislature back to Richmond on Thursday for a special session to redraw district boundaries. In a statement filed with the judges Friday evening, lawyers for the GOP majority said they will pursue redistricting in the specified time frame, but added that "whether this can succeed depends on many separate political actors. As the record before the court and federal case law makes clear, redistricting is a political process, so it remains unknown how the process will unfold in this instance."

https://www.fredericksburg.com/news/va_md_dc/lawyers-for-virginia-house-gop-renew-call-for-stay-of/article_45129dfe-63de-50dd-9ff4-3d12ccd575a7.html