



The American
Civil
Rights
Union



Voting
Integrity
Institute

November 19, 2018

ACRU Election Integrity Bulletin

LEAD STORY

Washington Examiner: Why Democrats in Georgia and Florida Are Refusing to Accept the Election Outcome

The Democratic campaign of delegitimizing elections, breaking the law, and refusing to accept election outcomes, isn't about stealing the election that just happened. It's about kicking off the next election campaign. Democrats have looked at President Trump's success and decided that breaking all the rules is the path to victory. They have apparently decided that republican norms and democratic niceties are holding them back. At the very least, they believe that in order to fire up their base—and for the 2020 candidates like Booker and Brown, to win their votes in the primary—they need to prove themselves to be fighters above all else. Even when you lose, you keep fighting. Whether the law or the electorate is on your side, you keep fighting. Only with such a no-holds-barred fighter, they believe, can they beat the Republicans' own norm-breaker-in-chief, Donald Trump.

<https://washex.am/2BiiXrD>

FEDERAL

Conservative Review: Let's Cut to the Chase and Have the Judges Vote for Us

The outcome of elections, like every other national question, is now determined by an assorted sample of

unelected federal judges. So why even have elections? At this rate, we should just ask the judges to vote for us. Courts exist to adjudicate cases under the law. If we have a dispute over an issue that determines the outcome of the broadest public policy, cultural, and civic questions, we go to a legislature. But now the judges are monopolizing the ultimate political question—election law. They are vitiating state law and determining the outcome of all elections—in favor of one party, of course. What we are seeing in Georgia and Florida is Democrats using the liberal courts to mandate that states accept ballots that are either tardy or otherwise invalid pursuant to state law. Now a judge has ordered the recount in Florida to be extended. Who needs state governments when we have federal judges unilaterally vested with more power than all of Congress and the president put together? All elections must have standards. The Constitution leaves the decisions over the methods, process, and procedures of elections with the states. The structure of the ballots, the nature of the polling stations, the process of absentee ballots, standards governing unclear and anomalous ballots, and verification against fraud are all issues left to the states. The Election Clause (Art. I, §4, cl. 1) does give Congress, not the federal courts, power to intervene when necessary. According to Hamilton in Federalist No. 59, it was only to be in extraordinary circumstances, and it was primarily for the purpose of ensuring that elections are indeed held and Congress is not abolished altogether by the states.

<https://www.conservativereview.com/news/lets-cut-to-the-chase-and-have-the-judges-vote-for-us/>

(more)

Law360: Supreme Court Will Hear Case Over Ross' Census Deposition

The U.S. Supreme Court on Friday granted the federal government's petition to review a New York federal court ruling greenlighting the deposition of Commerce Secretary Wilbur Ross regarding the Trump administration's decision to include a question about citizenship status on the 2020 census. The federal government has sought a writ of mandamus preventing the Southern District of New York from proceeding with such extra-record discovery. In a brief, one-page order, the high court instructed the U.S. Department of Justice to file its brief challenging the decision by Dec. 17. Oral arguments in the case are scheduled for Feb. 19, according to the order.

<https://t.co/XDmtnlGrSs>

Virginia Mercury: Voter Registration Through the DMV Can Be an Imperfect Process

Every state offers voter registration at places like the DMV because of the 1993 National Voter Registration Act, or "motor-voter law." But that law didn't establish a uniform process for states or provide guidance on how to do it, said Trey Grayson, a former Kentucky secretary of state who now works as a lawyer and lobbyist on voter registration procedures. "On one hand, voters all across the country have been able to vote or update their voting registration, which is great," Grayson said. "The challenge is that the DMV's job is not to register voters." Specific problems depend on the state's own processes, Grayson said, but registrations getting lost between DMVs and election offices happen often. It happened to him once in Kentucky and he heard about it often as secretary of state. Most of the systems collecting registration information at the DMV are too reliant on humans, Grayson said. "And humans make mistakes," he said.

<http://www.nbc12.com/2018/11/14/voter-registration-through-dmv-can-be-an-imperfect-process-one-voter-learns/>

Daily Caller: Democrat's Voter Fraud Exposed and How to Stop It

On the Friday video edition of the *Daily Caller Podcast* we talk with Hans Von Spakovsky from the Heritage Foundation, one of the nation's foremost experts on election law and election fraud. With what Democrats are attempting to do in Florida and Georgia, it's important to understand all the tricks and traps the left uses to steal elections. Hans was a member of President Trump's commission on voter fraud, the one blue states refused to cooperate with because, they said, voter fraud is a hoax and rather than provide data on the matter, they simply took their ball and went home.

<https://dailycaller.com/2018/11/16/podcast-democrats-voter-fraud-hans-von-spakovsky/>

American Thinker: Pass Legislation for Election Integrity Now

The 2018 midterm elections have proven dramatic, and in several key races, including for governor, Senate, and the House of Representatives, the outcome has not yet been determined. Both Republicans and Democrats—depending on the race—have called into question the integrity of the vote and have demanded recounts and, at times, have gone to court asking that the integrity of the election be upheld. At present, as good as our election system may be, there are many opportunities for activity that could result in close elections being called for the wrong candidate. Congress must act immediately and expeditiously to better protect our elections and democracy.

https://www.americanthinker.com/articles/2018/11/pass_legislation_for_election_integrity_now.html

(more)

STATES**California: Court Documents Reveal New Details in 3 Cases of Alleged Voter Fraud**

Election Day is over but three individuals are facing charges of voter fraud. The Kern County District Attorney's office charged 28-year-old John Gerald Byrne, 29-year-old Gilberto De La Torre and 68-year-old Fernando Osorio. According to court documents, when Byrne was confronted with the information, he said he "might have signed it" and "accidentally mailed it back in" referring to his ballot. According to the investigator's report, Gilberto De La Torre stated it wasn't his intention to commit fraud but joked at one point with his sister that they both send in their mail-in ballot because he needed 30 votes to run for mayor. Court documents say De La Torre told investigators he would take full responsibility for the fraud. Investigators say Fernando Osorio claimed he was not a United States citizen on a jury summons questionnaire, but he turned his voter registration and signed it affirming he as a citizen. The DA's office says a misdemeanor conviction on a charge of this type can result in a \$1,000 fine and up to six months in jail.

<https://www.kget.com/news/local-news/court-documents-reveal-new-details-in-3-cases-of-alleged-voter-fraud/1585350055>

Florida: Lawmakers Expected to Dig into Election Laws

Florida lawmakers will be asked to tackle how elections are run, after the chaos of this year's elections led to a federal judge calling the state's process "the laughingstock of the world." Incoming Senate President Bill Galvano, who will take the reins of the chamber, said that he expects lawmakers to review various aspects of the elections process, from the handling of vote-by-mail ballots to certification dates. Galvano, R-Bradenton, said he's heard from a number of senators about the issue and that he wants to revisit aspects of state elections laws. He pointed to problems beyond the current election cycle, which has included troubled recounts in races for U.S. Senate, governor and agriculture commissioner and three legislative seats. The goal, he said, is to keep future elections from "judicial intervention."

<https://www.sun-sentinel.com/local/broward/fl-ne-nsf-florida-election-laws-20181116-story.html>

Florida: Democrats Planned to Use Altered Forms to Fix Mail Ballots Across Florida After Deadline

A day after Florida's election left top state races too close to call, a Democratic party leader directed staffers and volunteers to share altered election forms with voters to fix signature problems on absentee ballots after the state's deadline. The altered forms surfaced in Broward, Santa Rosa, Citrus and Okaloosa counties and were reported to federal prosecutors to review for possible election fraud as Florida counties completed a required recount in three top races. But an email obtained by the USA TODAY NETWORK - Florida shows that Florida Democrats were organizing a broader statewide effort beyond those counties to give voters the altered forms to fix improper absentee ballots after the Nov. 5 deadline. Democratic party leaders provided staffers with copies of a form, known as a "cure affidavit," that had been modified to include an inaccurate Nov. 8 deadline.

<https://www.naplesnews.com/story/news/politics/2018/11/15/florida-recount-democrats-launch-plan-altered-state-form-fix-ballots/2009178002/>

(more)

Florida: Palm Beach County Supervisor of Elections Susan Bucher Blames Technology for Recount Concerns

Supervisor of Elections for Palm Beach County Susan Bucher said technology will be to blame if the county is unable to meet Thursday's state recount deadline. Recounts are now required in three key races: U.S. senate, governor and Florida agriculture commissioner, along with house of representatives District 89. However, the technology used in Palm Beach County only allows for one race at a time to be reviewed.

<https://www.wptv.com/news/region-c-palm-beach-county/west-palm-beach/bucher-blames-technology-for-recount-concerns>

Florida: Soros-Financed Groups Help Brenda Snipes Prevail Over Rick Scott in Court Battle

A coalition of organizations financed by billionaire activist George Soros successfully intervened in a lawsuit against Broward County Elections Supervisor Brenda Snipes in a case involving ballots counted by Snipes' office after the official deadline had passed. The judge in the case ultimately rejected an emergency motion for a temporary injunction filed by Gov. Rick Scott's legal team regarding ballots that were purportedly cast in time but were not included in the first count by Broward County before the deadline for those ballots to be counted. Scott is facing a recount battle in his Senatorial race against Sen. Bill Nelson. Scott's campaign had sued Snipes in the case. Notably, the interveners opposing Scott in the case against Snipes were the League of Women Voters and Brennan Center for Justice at the New York University Law School, two organizations financed by Soros. Helping in the case was Common Cause, which is also financed by Soros's Open Society Foundations. An intervener allows a non-party to join an ongoing lawsuit.

<https://www.breitbart.com/politics/2018/11/16/soros-financed-groups-help-brenda-snipes-prevail-over-rick-scott-in-court-battle/>

Florida: Voters Question Integrity of Election System

"We will be in a recount situation here in the state of Florida for one or more of these contests here in the next couple of days," said David Stafford, Supervisor of Elections for Escambia County. "This is to my knowledge is the first statewide recount we've had using these new deadlines and laws and putting these new things in place," said Paul Lux, Supervisor of Elections for Santa Rosa County. All counties should have their unofficial results by Saturday. "If the difference in one or more races is half a percentage point or less a machine recount is ordered," said Stafford. As the call for recounts comes, more ballots are still showing up. Many people in Florida have the same concern. "If thousands of ballots were held back, why weren't they counted last week?" said Wayne Albers.

<https://weartv.com/news/local/voters-question-integrity-of-election-system>

Indiana: State Police Impounding All Voting Materials Related to 15th Indiana House District

Party leaders were dismayed Saturday over a GOP move to contest Democrat Chris Chyung's 86-vote victory Tuesday over state Rep. Hal Slager in the 15th House District after state police impounded voting records late Friday. Michelle Fajman, county election director, said Friday night she received a call at 7 p.m. from state police stating they were serving an impound order issued by the Indiana Recount Commission. Fajman said about five state police troopers were given access for several hours Friday evening at the Lake County Government Center to impound the materials. Slager confirmed to *The Times* late Friday night he had requested the impound order through the Indiana Recount Commission. "We have to get control of the records and evaluate whether it goes to a recount or not," Slager said. Slager would not commit to whether he'd request a recount.

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

(more)

New York: Demanding Answers—How Can NYC’s Messy Voting System Be Fixed?

From long lines to broken voting machines, election day was a mess this week at the polls—but will anything change next time? CBS2’s Andrea Grymes demands answers on who is responsible for making improvements. Voting machines completely went down at some polling sites, causing general confusion about a two-page ballot. Mayor Bill de Blasio places a lot of blame at the feet of the New York City Board of Elections. “The Board of Elections simply can’t function, cannot do its job,” he said. There’s plenty of blame to go around at the city and state level. Michael Ryan is the executive director of the city Board of Elections that some criticize for the way its membership is appointed: 10 commissioners, two from each borough, recommended by both political parties.

<https://cbsloc.al/2zhPPPL>

North Carolina: 35,500 Voters Used ‘Provisional’ Ballots, but Many of Their Votes Won’t Count

Provisional ballots are offered to any voter who doesn’t have their registration on file when they show up to vote. People are also offered provisional ballots if they go to the wrong polling place to cast a ballot. Basically, a voter may be asked to vote using a provisional ballot if their eligibility as a voter is being questioned. These voters are researched by members of the county or state board of elections, who will determine if their votes will count or not by Nov. 16. They will also determine what parts of the ballot count. If a voter cast a ballot in the wrong district, then their votes for local positions, such as for the General Assembly, may not be valid, whereas their votes for statewide races, such as the North Carolina state Supreme Court, could hold. In 2016, there were more than 60,000 provisional ballots. Almost 22,000 of these provisional ballots were fully counted, state elections board spokesman Pat Gannon said, and about 5,200 were partially counted. That means about 34,000 ballots were not counted.

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

Pennsylvania: ‘Human Error’ Leads to Vote-Counting Errors—County Votes to Hire Election Lawyer to Oversee Next Week’s Canvass

Crawford County Clerk Don Pyle said results from five of the county’s 16 polling locations were counted twice, doubling votes for each candidate and resulting in inaccurate results. He said the mistake was due to human error, not mechanical. “The polling places make data cards that we insert into software that counts the votes,” he said. “The person inputting the data got interrupted and put five of them in twice.” Pyle said they discovered the mistake during a routine precinct-by-precinct audit and that it became apparent there was a problem. “Some precincts were reporting a turnout of 110 percent,” he said. Pyle said the county does not implement dual control when counting ballots. He cited understaffing and a polling place quirk for the delay in catching the mistake. “Part of the reason the software didn’t catch it is that one precinct is split between two polling stations, so it doesn’t register as redundant,” he said.

<http://www.morningsun.net/news/20181109/human-error-leads-to-vote-counting-errors--county-votes-to-hire-election-lawyer-to-oversee-next-weeks-canvass>

(more)

REDISTRICTING**Maryland: Attorney General Appeals Judges' Order to Redraw Congressional Districts, Seeks Supreme Court Ruling**

Maryland Attorney General Brian Frosh announced Thursday that he is appealing a federal ruling that threw out the state's congressional map for the 6th District after determining that Democratic officials unconstitutionally drew the boundary to diminish Republican influence. The Democratic attorney general, acting against the wishes of Republican Gov. Larry Hogan, notified the U.S. District Court in Baltimore Thursday that he will contest last week's order that the state redraw the map in time for the 2020 election. A Hogan spokeswoman criticized Frosh for an action that will further drag out debate over a district widely viewed as one of the most heavily gerrymandered in the nation.

<https://www.baltimoresun.com/news/maryland/politics/bs-md-frosh-redistricting-20181114-story.html>

Washington Times: Midterm Elections Reveal Effects of Gerrymandered Districts

With an election looming, courts earlier this year declared congressional districts in two states to be unconstitutional partisan gerrymanders. One map was redrawn. The other was not. The sharply contrasting outcomes that resulted on Election Day in Pennsylvania and North Carolina illustrate the importance of how political lines are drawn—and the stakes for the nation because that process helps determine which party controls Congress. Pennsylvania flipped from a solid Republican congressional delegation to one evenly split under a map redrawn by court order, contributing to the Democratic takeover of the U.S. House. Despite an almost even split in the popular vote, North Carolina's congressional delegation remained overwhelmingly Republican under a map drawn by the GOP. Partisan gerrymandering has been carried out by both Democrats and Republicans throughout U.S. history. But an Associated Press statistical analysis based on 2016 election data found that more states had Republican-tilted districts than Democratic ones. Some of the largest GOP congressional advantages were in North Carolina and Pennsylvania, where Republicans fully controlled redistricting after the 2010 Census.

<https://www.washingtontimes.com/news/2018/nov/17/midterm-elections-reveal-effects-of-gerrymandered/>