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ACRU Election Integrity Bulletin

LEAD STORY

Daily Signal: Trump's Ex-Lawyer Didn't Violate Campaign Finance Laws, and Neither Did the President

President Donald Trump's former attorney, Michael Cohen, may have been convinced by the Office of the U.S. Attorney for the Southern District of New York to plead guilty to a supposed violation of campaign finance law, but that doesn't mean that what happened is actually a federal crime. In fact, neither the Federal Election Commission—which is the independent agency tasked with enforcing the Federal Election Campaign Act—nor its former commissioners would likely agree with the overaggressive view that the Southern District is taking. Indeed, the Southern District's aggressive stance on this issue might have violated the Justice Department's own policy.

<https://www.dailysignal.com/2018/12/11/cohen-didnt-violate-campaign-finance-laws-and-neither-did-trump/>

FEDERAL

Breitbart: Rep. Lamar Smith: Google Will Have 'Dramatic Impact' on Elections

Rep. Lamar Smith (R-TX) joined Breitbart News Daily on Thursday to talk about Google CEO Sundar Pichai's recent hearing in front of the House Judiciary Committee. Smith said that if Google continues on the same course, it will end up "skewing elections." Rep. Lamar Smith (R-TX) challenged Google CEO Sundar Pichai during a recent hearing in front of the House

Judiciary Committee on the topic of political censorship on the Google platforms, namely their search engine. During the hearing, Pichai and Smith went back and forth about whether or not Google employees can manipulate the Google search engine to favor "ideologically-friendly" sites and disfavor other conservative sites. PICHAI: "It is not possible for an individual employee or groups of employees to manipulate our search results. We have a robust framework, including many steps in the process." SMITH: "I disagree, I think humans can manipulate the process. It is a human process at its base." "I think what you see is an unwillingness by the head of Google to directly answer questions. We never really got a direct answer. He could never really explain why so many results of internet searches were in fact slanted against conservatives or Republicans or the President or the Vice President," Smith said during his appearance on Breitbart News Daily on Thursday. <https://www.breitbart.com/tech/2018/12/13/rep-lamar-smith-google-will-have-dramatic-impact-on-elections/>

Courthouse News Service: Census Citizenship Question Spat Headed to Trial in San Francisco

A lawsuit claiming the Trump administration used a false motive to justify adding a census question that could weaken the political power of Democratic strongholds must go to trial next month, a federal judge ruled Friday. In a 17-page order, U.S. District Judge Richard Seeborg said he needs a bench trial to weigh the credibility of statements made by U.S. Commerce Secretary Wilbur Ross and other officials to determine if Ross "had a valid basis for adding the citizenship question."

<https://www.courthousenews.com/census-citizenship-question-spat-headed-to-trial-in-san-francisco/>

STATES**California: The Archaic Way State Reports Election Night Results Fuels Suspicions of Fraud, Critics Charge**

The morning after the Nov. 6 congressional midterm election in California, state, county and media websites reported that 100 percent of precincts had turned in their results. It was highly misleading: The final tally, released Friday, showed that a staggering 5.2 million of the 12.1 million ballots cast—43 percent—remained uncounted that morning. Most of the outstanding votes were from mail ballots. The website charts listing results from “100 percent” of the precincts feed public mistrust in the counting despite California’s stringent protections of ballot integrity, said Mindy Romero, the director of the University of Southern California’s California Civic Engagement Project, a nonpartisan research center in Sacramento. <https://bit.ly/2Eo1OyM>

California: Some Voter Records Possibly Switched from Poll to Mail Ballots, Says Nonprofit

Some Californians who were listed as poll voters in county data were classified as voting by mail in state records for the June primary election. This could be a major concern for the state’s election process, nonprofit Election Integrity Project California (EIPCa) has said. The non-partisan volunteer group found that more than 97,000 voters in Los Angeles County alone who were classified as going to the polls in person were listed as voting by mail in state records. The group believes a similar issue may have affected the November mid-term elections. “I don’t know if it’s a software glitch or something else,” Ellen Swensen, co-founder and chief analyst of EIPCa, told *The Epoch Times*. “This may be related to provisional voting, but they should match. The bottom line is that illogical data differences like this prevent EIPCa from independently validating the results of our elections, and that should concern everybody.”

https://www.theepochtimes.com/some-california-voter-records-possibly-switched-from-poll-to-mail-ballots-says-nonprofit_2734206.html

California: DMV Failed to Submit 589 Voter Registrations Before Midterm Election, the Latest in String of Errors

California’s secretary of state called for new leadership at the state’s embattled Department of Motor Vehicles after revelations of an error that could have prevented nearly 600 people from voting last month. DMV Director Jean Shiimoto told Secretary of State Alex Padilla in a letter that the agency mistakenly failed to transmit 589 voter records before the Nov. 6 election. A DMV spokesman said Shiimoto had already told staff she plans to retire by the end of the year. It’s the latest in a string of DMV errors related to rolling out the “motor voter” program that automatically registers eligible people who visit the department. In October, the DMV said about 1,500 people may have been incorrectly registered, perhaps including non-citizens. It also faced an audit over hours long wait times.

<https://ktla.com/2018/12/14/state-elections-head-calls-for-replacement-of-dmv-leader-over-motor-voter-registration-errors/>

Florida: Senate Won’t Consider Reinstating Former Broward Elections Supervisor Brenda Snipes

The Florida Senate has declined to take action on former Broward County elections head Brenda Snipes’ suspension, paving the way for an ally of Republican Gov. Rick Scott to fill the remainder of her term, according to a memo on Thursday from Senate President Bill Galvano. Snipes had announced she would resign her post effective Jan. 4, amid an outcry over stumbles by her office during Florida’s recount. A day after Scott suspended her from office on Nov. 30, Snipes she said she would withdraw her resignation. Citing “misfeasance, incompetence and neglect of duty,” Scott installed Pete Antonacci, his former top lawyer, to fill the remainder of Snipes’ term, which ends after the 2020 presidential election.

<https://www.sun-sentinel.com/news/politics/fl-ne-snipes-senate-hearing-20181213-story.html>

(more)

Florida: ‘We’re Going to Follow the Law’: Q&A with New Broward Elections Chief

There were allegations that Dr. Snipes was fixing elections for Democrats. Any impressions on that so far? I’ll speak to that indirectly. If the office of supervisors—as they are set up in our 67 counties—performs well, people will trust the outcome. The problem that has taken place in this office and other offices in Florida, a few other ones, is when performance lags, when the metrics are not met. For example, I’ll give you an example. When you’re not reporting every 30 minutes like you’re supposed to on election night, people get worried. And people get worried because of a concern about fraud. How will you handle voter purges, also called list maintenance? We’re going to follow the law. I don’t have all of the various options in front of me.... If you’re following the law, you’re enhancing public confidence. Every time you diverge from that—you miss your deadlines, your reports come in late, you don’t know how to upload stuff—you’re eroding public confidence. They go, ‘There they go again.’

<https://www.sun-sentinel.com/local/broward/fl-ne-cb-whats-next-broward-elections-office-20181212-story.html>

Florida: Vote-by-Mail Scandal in North Carolina Exposes Florida’s Lax Laws

In North Carolina, a Congressional race might get a rare election do-over after allegations surfaced that a political operative helped the Republican candidate win by illegally collecting absentee, or vote-by-mail, ballots. The case highlights a notable difference between two states, however: North Carolina has much tougher laws than Florida when it comes to voting by mail. Although Florida, like many states, has imposed strong voter ID laws for casting a ballot at a polling place, it’s done virtually nothing to stop fraud in the vote-by-mail process. Most everywhere in Florida, it’s not illegal to collect ballots, like it is in North Carolina, where it’s a felony. Rather, it’s only illegal to pay someone to collect ballots in Florida, a loophole that allows campaign volunteers and even candidates themselves to go door to door collecting voters’ ballots. (One exception is in Miami-Dade

County, which has its own county code limiting anyone from possessing more than two ballots at a time.)

<https://www.tampabay.com/florida-politics/buzz/2018/12/10/vote-by-mail-scandal-in-north-carolina-exposes-floridas-lax-laws/>

Illinois: Chicago Alderman Candidate Says Election Fraud Allegations Show ‘Perversion of Democracy’

An alderman candidate in Chicago said Tuesday that election fraud allegations in his ward are indicative of widespread problems in the city. “This is a huge perversion of democracy,” David Krupa, a 19-year-old freshman at DePaul University, told Hill. TV’s Buck Sexton on “Rising.” “Michael Madigan, our state speaker, has been doing this for a long time in my ward, and we think it’s really unfair, and not just unfair, but undemocratic,” said Krupa, who is running in the city’s 13th ward. Krupa alleges that allies of his opponent, Alderman Marty Quinn, are engaging in election fraud to get him off the ballot. Krupa has collected 1,703 signatures, surpassing the 473 needed to run for alderman. He claims that before he turned in the signatures, Quinn’s supporters submitted affidavits from 2,796 people saying they want to take back their signatures supporting Krupa. Quinn addressed the allegations on “Chicago Tonight,” suggesting that Krupa was being disingenuous. “I guess the better question is: a self-described, ‘day-one Trump supporter’ gets 1,700 signatures in the 13th Ward, without being disingenuous? That’s the question that comes to my mind,” Quinn said. Krupa told Sexton that he is willing to take the case to the federal level.

<https://thehill.com/hilltv/rising/420764-chicago-alderman-candidate-says-election-fraud-allegations-show-perversion-of>

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Iowa: Secretary of State on Winneshiek County Ballot Fight

Secretary of State Paul Pate is weighing in on a controversial northeast Iowa election. Democrat Kayla Koether is trying to get 33 absentee ballots counted in Winneshiek County. She currently trails incumbent Republican Michael Bergan by nine votes in Iowa House District 55 and the ballots in question arrived after election day and do not have a postmark on them. Pate has now issued the following statement on this matter: “As Secretary of State, I swear an oath to uphold the Constitution and Laws of the State of Iowa, and I support every eligible vote being counted. Trying to change the rules after an election is not the way elections work in Iowa. In addition, this office and the Winneshiek County Auditor have complied with the district court order in all respects. I will do everything under the law to ensure every voter is provided the same rights. I am disappointed by the political rhetoric. My job is to be the referee of elections and not side with one candidate or party. Ms. Koether has already requested and received recounts in two counties in House District 55, and she has the right under the law to file an election contest.”

<https://www.kimt.com/content/news/IA-Secretary-of-State-issues-statement-on-Winneshiek-County-ballot-fight-502509691.html>

Kentucky: Owensboro Democrat Says Election Challenge Must Be Dismissed

A Kentucky Democrat elected to the state House of Representatives by one vote says a Republican’s challenge of the election results should be dismissed. Jim Glenn defeated Republican state Rep. DJ Johnson by one vote in state House District 13. Johnson is challenging the results, asking the Republican-controlled House of Representatives for a recount. He says six voters are ineligible because they did not sign the precinct voter roster. He argues local officials incorrectly rejected 17 absentee ballots. Glenn’s attorneys filed documents saying the 17 absentee ballots were correctly rejected by a bipartisan election board. They argue it’s impossible to invalidate three of the other six voters because their identities are unknown. The other three were known to poll workers, they said, so there is no risk of fraud.

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

Mississippi: Seven Arrested and Charged with Voting Fraud in Town Known for Election Skulduggery

In a town that calls itself the Hollywood of Mississippi, people say for years they’ve been hearing tales of dirty politics worthy of a movie script, like campaigns buying votes with cash or beer. But it wasn’t until the last few days when the former police chief, a former fire chief and others were arrested on voter fraud charges that locals realized the extent of the problems. “It’s always been kind of fishy business dealing with elections in Canton, Miss.,” said 21-year-old resident Laselven Harris, an African American who worked in the 2017 city campaign for a white Republican who lost the race for mayor. Six people were arrested Thursday and one was arrested Friday after a grand jury indicted them on a variety of election fraud charges. They face accusations of bribing voters, improperly helping people fill out absentee ballots, voting despite being convicted of disqualifying felonies and voting even though they lived outside the city or voting district.

<https://lat.ms/2QyOH54>

North Carolina: Gov. Roy Cooper Vetoes Voter ID Bill

Gov. Roy Cooper vetoed a bill that would require voters to show a form of photo identification before voting in person, calling it “a solution in search of a problem.” The bill passed this month largely along party lines. A handful of Democrats voted for it, and the bill passed with veto-proof margins in both the state House and Senate. House Speaker Tim Moore and Senate leader Phil Berger said in separate statements that the legislature will override Cooper’s veto. “We are disappointed that Gov. Cooper chose to ignore the will of the people and reject a commonsense election integrity measure that is common in most states, but the North Carolina House will override his veto as soon as possible,” Moore’s statement said.

<https://bit.ly/2EzH47Y>

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North Carolina: Voter Fraud Probe Could Prompt New Primary, General Elections

With fraud allegations still plaguing an uncertified North Carolina congressional election, voters could head back to the polls for a brand-new election—primary and all. North Carolina’s state legislature voted Wednesday to require both new primary and general elections should the state elections board decide to call for a redo. Accusations of voter fraud and ballot irregularities have bedeviled the 9th Congressional District election. Republican Mark Harris led Democrat Dan McCready by about 900 votes out of nearly 283,000 cast in the district, which the GOP has held since 1963. But issues with absentee ballots have prevented Harris from being certified the winner as the state elections board continues to investigate allegations of “irregularities and concerted fraudulent activities.”

<https://www.foxnews.com/politics/as-north-carolina-voter-fraud-probe-continues-new-primarygeneral-elections-could-be-called-by-officials>

REDISTRICTING

New Jersey: Democrats Want to Make Republicans a Permanent Minority—and Are Getting Accused of Gerrymandering for It

Democrats have control over New Jersey’s State Senate, House and governorship. They are looking into making this power permanent under a proposal that would ensure Republicans are the minority in the Garden State. *The New York Times* reported that Stephen M. Sweeney, the New Jersey State Senate president, and fellow state legislator Nicholas P. Scutari, have proposed a bill that would allow voters to decide how redistricting should be done. The Democrats’ proposal would amend the state’s constitution by overhauling a redistricting committee and giving more power to legislative leaders, according to *The Times*. The plan has been criticized as gerrymandering by both Republicans and Democrats. Eric Holder, former U.S. attorney general under President Barack Obama and head of the National Democratic Redistricting Committee, told

The Times that “the American people want redistricting reforms that help level the playing field so that elections are decided on who has the best ideas, not which party was in charge of drawing the lines.”

<https://read.bi/2QuWjFH>

Virginia: House of Delegates Asks Justices to Intervene in Redistricting Dispute

Last month the Supreme Court announced that it would, for the second time, review a case from Virginia challenging the legislative districts drawn in 2011 for the state’s House of Delegates as the product of unconstitutional racial gerrymandering—the idea that legislators relied too much on race when drawing the maps. Today Virginia legislators were back at the court, asking the justices to block proceedings in the lower court aimed at coming up with new maps for the 2019 election until the Supreme Court can rule on the dispute. The Virginia case is one with which the justices are already very familiar. Last year, the court ruled that a lower court had applied the wrong legal standard when it rejected claims that 12 districts were the product of racial gerrymandering. The Supreme Court upheld one district, but it ordered the lower court to take a fresh look at the other 11—and, in particular, at whether race was the primary factor used to draw those districts.

<http://www.scotusblog.com/2018/12/virginia-house-of-delegates-asks-justices-to-intervene-in-redistricting-dispute/>