



December 28, 2018

# ACRU Election Integrity Bulletin

## LEAD STORY

### **Ken Blackwell: Voter Fraud Damages our Nation's Integrity**

As Christmas approaches in the Sunshine State, November voters have become December shoppers unlikely to be contemplating the integrity and importance of their voting system. But as each election cycle brings Florida closer to becoming the Whoville of politics, there is robust activity moving forward in the courts to ensure ballots cast by Floridians don't end up in a vote count abyss on Mt. Crumpit. Two years before the very public 2018 voting integrity disaster in Broward County at the hands of election supervisor Brenda Snipes, the American Civil Rights Union—a Washington, D.C.-based civil rights organization—filed suit against Snipes alleging she violated civil rights and election law by failing to ensure and maintain accurate voter registration rolls. *ACRU v. Snipes* is scheduled for oral arguments before the 11<sup>th</sup> Circuit Court of Appeals in March. The high visibility of this case will again bring heated debate to concerns with Florida's voting system, its fairness to each vote cast, the honesty of those running the system and the state's critical role in national elections.

<https://www.orlandosentinel.com/opinion/os-op-ken-blackwell-voter-fraud-20181219-story.html>

## FEDERAL

### ***The Hill*: Federal Judge Orders Trial Over Census Citizenship Question**

A federal judge Wednesday rejected a request from the Trump administration to dismiss a lawsuit challenging its addition of a question regarding citizenship to the 2020 census. U.S. District Court Judge George J. Hazel's ruling paves the way for a trial in January to determine if the question is constitutional.

<https://thehill.com/homenews/administration/422203-federal-judge-orders-trial-over-citizenship-census-question>

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**STATES****Alabama: An Election Hacked—by Democrats**

Democratic tech experts organized a deceptive stealth campaign using social media and bots to discredit one candidate and even siphon votes from him to a randomly chosen third-party hopeful. This wasn't Russian hackers trying to influence the outcome of the 2016 Trump-Clinton presidential contest. As *The New York Times* reports, it was a secret project, carried out on Facebook and Twitter, by Democratic tech experts, with one purpose: to weaken the Republican candidate in the 2017 Alabama special election for a U.S. Senate seat. An internal report boasts that “we created an elaborate ‘false flag’ operation that planted the idea” that GOP candidate Roy Moore’s campaign “was amplified on social media by a Russian botnet.” It also created a social-media boost for obscure independent candidate Mac Watson, in hopes of drawing votes from Moore. And it worked, getting Watson an interview with *The Washington Post*. Moreover, the \$100,000 campaign—paid for by the founder of LinkedIn—was meant to “enrage and energize Democrats” and “depress turnout” among Republicans by emphasizing the allegations that Moore had pursued teenage girls. Moore lost that election to Democrat Doug Jones by 21,924 votes out of more than 1.3 million cast.

<https://nypost.com/2018/12/20/an-election-hacked-by-democrats/>

**California: DMV Head to Be Replaced in New Year Amid Continued Problems with ‘Motor Voter’ Program**

California’s troubled Department of Motor Vehicles will get a new leader Dec. 31. Gov. Jerry Brown has designated Bill Davidson as acting director. Davidson has served as the DMV’s chief deputy director since 2016 and has worked at the agency for 16 years. He’s also worked for the California State Transportation Agency. The Monday announcement comes after director Jean Shiimoto

announced plans to retire at the end of the year. Shiimoto’s departure follows a tumultuous year for the DMV that included hours-long lines at offices across the state and a series of errors related to the state’s automatic voter registration program.

<https://ktla.com/2018/12/17/dmv-director-announces-retirement-amid-problems-with-californias-motor-voter-program/>

**California: ‘Motor Voter’ Was a Disaster Waiting to Happen—and It Did**

Secretary of State Alex Padilla’s “motor voter” program is a disaster and ought to be shut until it is fixed. In September, the Department of Motor Vehicles admitted it made 23,000 erroneous registrations. Serious questions about the integrity of the program must be answered. Expanding access is worse than worthless without voting integrity. This is not a partisan issue. It’s about protecting the righteousness of our election system, which is a sacred responsibility in a democracy and one that rests with the Secretary of State.

<https://calmatters.org/articles/commentary/my-turn-motor-voter-was-a-disaster-waiting-to-happen-and-it-did/>

**Florida: Elections Chief Brenda Snipes Sues Rick Scott to Rescind Her Resignation**

Broward County elections chief Brenda Snipes is suing outgoing Florida governor Rick Scott to get her job back after flip-flopping on whether she still wanted it. Snipes filed a federal lawsuit against the Republican governor and Senate president Bill Galvano alleging that she had been denied due process and that it is unconstitutional to suspend elected officials such as herself. After coming under fire for mismanagement during the midterm elections and recounts for the Senate and governor’s races, Snipes submitted her resignation to Scott, effective January 4. But she decided to take back her resignation and fight Scott after he suspended her in the interim for malfeasance, incompetence, and neglect of duty. The governor, however, declined to grant Snipes her job back.

<https://www.nationalreview.com/news/florida-elections-chief-brenda-snipes-sues-rick-scott-after-failed-attempt-to-rescind-her-resignation/>

## Florida: Environmental Group Tied to Voter Registration Forms That had False Information

Workers hired by a Florida environmental group submitted hundreds of voter registration forms with false and incomplete information, which led to voter confusion and a state recommendation to investigate some forms as possible election fraud. Sixteen employees of the Florida Conservation Voters Education Fund were fired in September after submitting more than 200 voter registration forms with false or incomplete information to the Volusia County elections office, records obtained from the environmental group show. “We were having an awful time,” said Lisa Lewis, Volusia's elections supervisor. “I later found out that they were being paid to collect these forms and I think they were just filling them out to get paid.”

<https://www.naplesnews.com/story/news/politics/elections/2018/12/20/florida-environmental-group-tied-voter-registration-forms-false-information/2352762002/>

## Idaho: County to Change Procedures After Discovering Uncounted Ballots

The Bonner County Elections office is making some changes to the way they count and track ballots after discovering 396 uncounted absentee ballots in a drawer last week. “I have no idea why that last drawer wasn’t opened,” said County Clerk Michael Rosedale. The uncounted votes did not change the outcome of any races from the Nov. 6 election, Rosedale said, making the mishap a much smaller ordeal than it could have been. “While it represented 2% of the vote and had no effect on outcomes, it still was something that never should have happened,” wrote Rosedale on the county’s website below the new election results. “I and my staff are very sorry, not to mention terribly embarrassed and have adopted measures already that will preclude this type of error from ever happening again.”

<http://sandpointreader.com/county-to-change-procedures-after-discovering-uncounted-ballots/>

## Maine: LePage, Calling Ranked-Choice Voting ‘Repugnant’

Gov. Paul LePage declined to get involved in Rep. Bruce Poliquin’s latest legal request, but not without getting in another dig at a ranked-choice voting process he views as “repugnant.” Meanwhile, attorneys for Poliquin and Maine Secretary of State Matthew Dunlap sparred over whether Dunlap exceeded his authority by certifying Democrat Jared Golden as the winner of Maine’s 2<sup>nd</sup> District race without LePage’s signature. “Under the U.S. Constitution, it is now up to the United States House of Representatives to determine, when it convenes on January 3, 2019, whether to seat Jared Golden, who is the undisputed winner of the ranked-choice voting tabulation under the RCV Act and thus the Representative-elect for Maine’s Second Congressional District,” Assistant Attorney General Phyllis Gardiner wrote on Dunlap’s behalf.

<https://www.pressherald.com/2018/12/20/lepage-views-ranked-choice-voting-as-repugnant/>

## New Hampshire: 78 Cases of Potential Voter Fraud Under Investigation

The New Hampshire Attorney General’s office says it is investigating or reviewing 78 cases of potential voter fraud that emerged after the November 2016 general election. WMUR-TV reports office spokesperson Kate Spiner said Tuesday 61 of the 78 cases are potential double-voting issues that appeared through the Interstate Voter Registration Crosscheck program. Spiner says they have received 38 complaints of wrongful voting in addition to the Crosscheck cases. She says 21 of those cases were closed as unfounded, and 17 remain under review or investigation. Four people have been indicted on criminal charges in connection to voter fraud since November 2016. The fourth indictment was issued last week to a Florida man who allegedly cast a ballot in Hooksett in 2016.

<https://www.concordmonitor.com/78-cases-of-potential-voter-fraud-under-investigation-22274708>

## New Hampshire: Florida Man Charged with Illegally Voting in New Hampshire in 2016

A Florida man is facing charges that he voted illegally in Hooksett during the 2016 general election. The New Hampshire Attorney General's office announced the charges against 45-year-old Michael L. Lewis, of Miami, on Monday. But the Hooksett Police Department first referred Lewis to the state for investigation roughly two years ago. "He didn't have a New Hampshire driver's license, he had a Florida driver's license," Bouchard said. "And he told us he lived at a certain address in Hooksett and we went there and found out that he didn't." Bouchard said officers initially arrested Lewis for operating without a valid driver's license but referred the case to the state for further investigation. Officials could not say why it took until now to bring any further charges. A Merrimack County grand jury indicted Lewis on charges that he voted in Hooksett despite not being qualified to do so. An arraignment hasn't been scheduled.

<https://www.nhpr.org/post/florida-man-charged-illegally-voting-nh-2016#stream/0>

## New Jersey: Candidate Wants Voter ID Added to Ballot Reforms

State Senate Candidate Michael Testa on Thursday called for Gov. Phil Murphy to add a voter ID provision to a slew of voter-access reforms Murphy announced support for on Wednesday. "A statewide Voter ID law would require any potential voter to provide photo identification at the polls or accompanying their Vote-By-Mail ballot the same as they would when renting a car, buying a six pack, or getting on an airplane," Testa said. "This is a commonsense step that would give each and every citizen confidence that our voting system is free from fraud or manipulation. "Moreover, I would be supportive of a companion bill that provided state funding to provide state or county-sanctioned photo ID's to any citizen that doesn't otherwise have one."

<https://newjerseyglobe.com/local/cumberland/testa-wants-voter-id-added-to-ballot-reforms/>

## North Carolina: Voter ID Becomes Law as House Overrides Veto

North Carolina voters will be asked to show photo identification when they go to the polls next year, barring intervention by a court. The Republican-led legislature took the final step to shrug off Democratic Gov. Roy Cooper's veto of its photo ID bill, with the House voting 72-40 Wednesday to override after a long debate that touched on the state's history of voter suppression. The Senate took its override vote Tuesday. Minutes after the House vote, the Southern Coalition for Social Justice announced a lawsuit challenging the voter ID law had been filed in Wake County Superior Court.

<https://www.newsobserver.com/news/politics-government/article223310620.html>

## North Carolina: Yes, What Happened in North Carolina Is Voter Fraud

More than a month after the November election, the details of an apparent voter fraud scandal orchestrated by a North Carolina Republican operative are still coming to light. A coordinated absentee ballot harvesting ring may have gathered, tampered with, or destroyed hundreds of ballots. The outcome of the House race in North Carolina's 9<sup>th</sup> Congressional District hangs in the balance, and the state elections board may order a new election. Voters across the country are watching, rightly alarmed at the apparent ease with which some of their fellow citizens were effectively disenfranchised. Amazingly, in the middle of all this, some on the left are more focused on what to call the fraud in the 9<sup>th</sup> District than on how to stop it from happening in the future.

<https://www.dailysignal.com/2018/12/20/yes-what-happened-in-north-carolina-is-voter-fraud/>

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## Virginia: Election Watchdog Threatens to Sue Virginia for ‘Inaccurate’ Noncitizen Voting Records

The Public Interest Legal Foundation (PILF), an election watchdog group, is threatening to sue the Virginia Board of Elections unless it corrects voter roll maintenance procedures involving the removal of noncitizens. PILF published a pair of reports using noncitizen data supplied by the Board of Election, which erroneously identified several eligible citizens as ineligible noncitizen voters. That sparked a defamation lawsuit from the League of United Latin American Citizens, alleging “reckless” behavior and “spurious allegations of voter fraud.” The threat to sue the Board of Elections is the latest development in a series of election-related confrontations between the nonprofit watchdog and Virginia elections officials over the past several years.

[https://www.theepochtimes.com/election-watchdog-threatens-to-sue-virginia-for-inaccurate-non-citizen-voting-records\\_2744834.html](https://www.theepochtimes.com/election-watchdog-threatens-to-sue-virginia-for-inaccurate-non-citizen-voting-records_2744834.html)

## Wisconsin: Eric Holder, Liberal Groups Fight Early Voting Restrictions in Federal Court

The fight over restricting early voting in Wisconsin returned to federal court Monday, three days after Gov. Scott Walker signed into law a new limit passed during a lame-duck legislative session. A coalition of liberal groups, with the support of former Democratic U.S. Attorney General Eric Holder, asked a federal judge to block implementation of the early voting restrictions. The same judge in 2016 struck down a similar two-week early voting limitation as unconstitutional.

Attorneys for the groups argued that Republicans called the lame-duck session “as part of a partisan attempt to retain and regain power” and the early voting limitation was “in direct violation” of the court’s 2016 order. Holder, in a statement, said Walker and Republicans showed a “blatant disregard for a previous court ruling and refusal to listen to the will of the people.” He called it

“another shameful mark on the legacy of Scott Walker and his allies in the Legislature.” Walker signed the new limits into law on Friday, just over three weeks before he is replaced by Democratic Gov.-elect Tony Evers who defeated him in November. Other bills Walker signed that passed during the lame-duck session would limit the powers of Evers and the incoming Democratic attorney general.

<https://www.washingtontimes.com/news/2018/dec/17/eric-holder-liberal-groups-fight-wisconsin-early-v/>

## REDISTRICTING

### Fox News: Obama to Fold Organizing for Action Group in Effort to Focus on Gerrymandering Reform

Former President Barack Obama is going all-in on gerrymandering reform by consolidating his nonprofit political organization group with another to double down on efforts on what has become his major focus since leaving the White House. Obama announced the consolidation of his Organizing for Action group into the National Democratic Redistricting Committee during a call with supporters this week. The merger ends the six-year existence of OFA. The Chicago-based OFA was formed out of Obama’s 2012 re-election campaign and was initially set up to mobilize voters to support his agenda.

<https://www.foxnews.com/politics/obama-aligned-organizing-for-action-group-to-fold-in>

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## Fairlines: The 2020 Re-apportionment Forecast

The Upper Midwest and Northeast are expected to see continued migration of representation to the South and West. Texas looks to gain its 6<sup>th</sup>, 7<sup>th</sup>, and 8<sup>th</sup> new members this century as Florida picks up its 5<sup>th</sup> and 6<sup>th</sup>. Four western states (Arizona, Colorado, Montana, and Oregon) would expand their delegations while North Carolina may gain the 14<sup>th</sup> seat it just missed in 2010. California is projected to lose a Congressional seat for the first time since it joined the Union. Illinois, Michigan, New York, Ohio, and Pennsylvania all appear likely to lose another seat, bringing their collective loss for the century to 19. Rhode Island is poised to join the ranks of At-Large states. West Virginia would replace Rhode Island as one of five states with only two members, and Minnesota is on the verge of losing the 8<sup>th</sup> seat it managed to just barely hold on to in 2010.

<https://fairlines.org/blog/apportionment/2020-reapportionment-forecast-total-population-2018-estimates/>