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LEAD STORY

WSJ: Supreme Court Again to Consider Partisan Gerrymandering

The Supreme Court will try again to tackle the thorny issue of political gerrymandering, announcing Friday that it will hear cases from North Carolina and Maryland to decide whether there are constitutional limits to how far lawmakers can go in drawing electoral districts to maximize their partisan advantage. The court, in a brief written order, said it would review two lower-court rulings: one that struck down a North Carolina congressional map drawn by Republicans that has been highly favorable to the GOP, and another that invalidated a Maryland congressional district drawn by Democrats to eliminate a Republican-held seat. The cases could have major ramifications for U.S. elections, and they promise to elevate the profile of a Supreme Court term that so far has lacked blockbuster litigation. They also will serve as an early test for a new-look court that includes Justice Brett Kavanaugh.

<https://www.wsj.com/articles/supreme-court-again-to-consider-partisan-gerrymandering-11546632754>

FEDERAL

The Hill: Senate Confirms Commissioners to Election Agency, Giving it Full Powers

The Senate late Wednesday confirmed by voice vote a pair of commissioners to the Election Assistance Commission (EAC), giving the agency a quorum for the first time since last March. Benjamin Hovland and

Donald Palmer were among several nominees passed in the final hours of the Senate session. If they had not been confirmed before noon Thursday, when the 115th Congress adjourns, both nominees would have to go through the confirmation process again. Having a quorum means the EAC can now carry out major policy moves. The small federal agency—created in 2002 to help state and local officials administer elections—had only two commissioners since March, one short of the three needed to take on significant initiatives.

<https://itk.thehill.com/policy/cybersecurity/423672-senate-confirms-commissioners-to-election-agency-giving-it-full-powers>

STATES

California: Did Non-Citizens Vote Last Year? Officials Still Cannot Say

California officials still can't say whether non-citizens voted in the June 2018 primary because a confusing government questionnaire about eligibility was created in a way that prevents a direct answer on citizenship. The snag comes from a voter eligibility questionnaire that lumps five separate characteristics, such as age and citizenship status, into one prompt that people see at the Department of Motor Vehicles when they try to get or renew a driver's license. Investigators can see that people marked themselves as ineligible to vote or declined to answer eligibility questions, but they can't tell why. "We can't assume why they declined to answer eligibility questions or why they said they were not eligible," the Secretary of State's Office wrote in an internal memo on Oct. 8, 2018.

<https://www.sacbee.com/news/politics-government/capitol-alert/article223886630.html>

California: *L.A. Times* Admits Illegals/Foreigners Influenced Election—to Help Democrats

It's the real foreign influence on our elections—and now even the liberal *Los Angeles Times* has tacitly admitted its significance. It's all included in a New Year's Day piece about how young illegals “made flipping control of the House a personal quest,” as the paper put it. Of course, the *Times* used slick marketing and called these foreign activists “Dreamers.” As *American Thinker's* Monica Showalter writes, while the paper's tale was a “heartstring-tugging, tear-jerking” story meant to evoke sympathy, it “accidentally did more to raise questions about the issue of ballot-harvesting in California than any raving right-wing warning tome could ever do. *The Times* describes how California's famed ballot-harvesters, who flipped places such as Orange County blue in the last midterm, aren't actually citizens,” she continued. “They did it by ‘helping’ voters fill out, and turn in, and continue to turn in, ballots from otherwise uncommitted voters until they got the result they wanted.”

<https://www.thenewamerican.com/usnews/politics/item/31080-1-a-times-admits-illegals-foreigners-influenced-election-to-help-democrats>

Florida: Bill Would Identify Noncitizen Voters

Florida elections officials would be tasked with trying to identify noncitizens on the voter rolls under legislation filed this week by state Sen. Joe Gruters. Gruters, R-Sarasota, wants the supervisor of elections in each Florida county to enter into an agreement with local court officials to get a list of jurors who identified themselves as noncitizens and compare that list against the voter rolls. Gruters' bill (SB 230) also would require the Department of Motor Vehicles to provide a monthly list of “persons who identify themselves as aliens” to the Department of State, which would crosscheck the list against the statewide voter registration database and flag potential noncitizens on the voter roll for local elections supervisors. “We don't want to have any illegals voting,” said Gruters, who also serves as the chairman of the Sarasota GOP and is running to lead the Republican Party of Florida.

<https://www.ocala.com/news/20190104/bill-would-identify-noncitizen-voters>

Florida: New Law Allows Election Officials to Cross Check Voter Rolls with Other States

Florida is joining a multi-state compact, giving local elections supervisors access to voter logs in other states. It's through a new law that went into effect New Years. The new law allows the Department of State to join E.R.I.C (ERIC), the Election Registration Information Center. “The Electronic Registration Information Center is a clearinghouse that allows Florida's supervisors to send information to ensure that individuals who are registered in the state of Florida are not dually registered in other jurisdictions,” Former Leon County Supervisor of Elections Ion Sancho said. Sancho says before this law, elections supervisors in Florida had no effective method to ensure citizens were not voting in multiple jurisdictions, a problem that revealed itself back in 2012 when the state attempted to “purge” Florida's voter registration database of non-citizens.

<http://news.wfsu.org/post/new-law-allows-florida-election-officials-cross-check-voter-rolls-other-states>

Florida: Officials Make Proposal for Changes to Secretary of State Position

A proposal to make Florida's secretary of state an elected position has again emerged in the Senate. This is the fourth consecutive year the proposal has been introduced. Florida had an elected secretary of state until 2003. That's when the position became appointed under a constitutional amendment that shrank the Cabinet from six to three members. The secretary of state is now appointed by the governor. Proponents of an elected secretary of state, including Senate bill sponsor Aaron Bean, argue the move would avoid “awkward” situations or even conflicts of interest in election disputes. “Now, more than ever, it is topical to have an independent person, who is directly responsible to and accountable to the voters for our election system. That person should be an independently elected secretary of state,” said State Senator Aaron Bean. Bean's proposal cleared the Senate in 2017, when it was approved in a 33 to 2 vote.

<https://bit.ly/2SCo7ov>

Georgia: Stacey Abrams and the Lie of Voter Suppression

Democrat Stacey Abrams finally admitted defeat to Republican Brian Kemp in the Georgia governor's race. Yet rather than gracefully stepping down, Abrams said, "As a woman of conscience and faith, I cannot concede. But my assessment is that the law currently allows no further viable remedy." Here, she relies on false claims of voter suppression by citing a bevy of issues including: voting precinct closures, the Georgia Exact Match Law, voter roll purges and long lines on Election Day. Such extraordinary claims require extraordinary evidence. Unfortunately, the evidence is quite unremarkable, it is apparent that Brian Kemp simply enforced Georgia laws with respect to the election.

<http://georgiastatesignal.com/stacey-abrams-and-the-lie-of-voter-suppression/>

Maryland: Election Day Voter Registration Goes into Effect

This past November, 67 percent of Maryland voters approved a ballot measure that would allow Election Day registration. With the ballot measure taking effect on Jan. 1, it's now up to state legislators to craft instructions for election officials to implement the new law. Same-day registration during early voting periods—which run for eight days prior to primary and general elections—have been an option for Maryland voters since 2013. Currently, the State Board of Elections uses provisional ballots in early voting. Provisional ballots are also used on Election Day if there is a problem with voter information at the polls. In the 2018 primary, as many as 80,000 provisional ballots went uncounted due to a computer glitch at the Motor Vehicle Administration.

<https://wamu.org/story/19/01/03/election-day-voter-registration-goes-into-effect-in-maryland/>

Nebraska: Secretary of State Elect Evnan Looking at Voter ID Laws

Incoming Nebraska Secretary of State Bob Evnan will move ahead with a plan to require voter ID. He doesn't want to wait until elections here are in trouble. Evnan says, "If you wait until your election process becomes corrupt it is too late to do anything about them. The time to address this is ahead of the curve."

Recent Gallup Poll shows this is not a controversial issue in the state because people want their vote to count. Evnan says Nebraskans don't want their vote canceled out by someone who cast a ballot who was not entitled to do so. Evnan wants to put together a Voter ID Law for Nebraska that fits Nebraska and will protect our elections but does not disenfranchise properly registered voters. He is leaning toward a voter ID card but will spend the rest of the year carefully looking at what works in other states before making any proposals here.

<https://nebraskaradionetwork.com/2019/01/02/nebraska-sec-of-state-elect-evnan-looking-at-voter-id-laws/>

New Jersey: Automatic Voter Registration at MVC Counts on Honesty from Noncitizens

The state depends on the public's honesty when it automatically registers to vote anyone applying for a driver's license or non-driver identification card through the New Jersey Motor Vehicle Commission. "Prospective New Jersey voters must verify that they are U.S. citizens and eligible to vote prior to NJ MVC transmitting their voter registration to the Division of Elections," said Department of State spokeswoman Trudi Gilfillian in an emailed response to questions. "Any false or fraudulent information may subject those convicted to a fine of up to \$15,000 or imprisonment up to five years, or both," she said. "Individuals must acknowledge on the signature pad that they have received this warning."

<https://bit.ly/2C6MWSK>

(more)

Oklahoma: Sallisaw Woman Facing Voter Fraud Charges

A Sallisaw woman was arrested recently for voting illegally twice in Sequoyah County. Tera Beth Long, 36, of Sallisaw, faces one count of false affidavit in voting registration and one count of voting illegally. Both are considered felonies and punishable by a total imprisonment of up to 10 years and fines of up to \$100,000 if convicted for both counts, according to a probable cause affidavit filed Dec. 12 by Sequoyah County District Attorney Jack Thorp. According to the document, Long is alleged to have voted illegally during the 2016 and 2018 elections. Sequoyah County Investigator Christian Goode, the investigating officer in the case, reported he received information from the sheriff's office regarding some questionable background on Long. "Long plead guilty on Oct. 3, 2012, to embezzlement, a felony. Mrs. Long was sentenced to five years under supervision by the Osage County District Attorney's office. The judgement and sentence shows the sentencing to be a five-year-suspended sentence," Goode reported.

<https://www.sequoyahcountytimes.com/news/sallisaw-woman-facing-voter-fraud-charges-0>

Tennessee: Taxpayer Dollars Used by Memphis City leaders to Promote Political Cause

The Memphis city council approved using \$40,000 to educate voters about three referendums on the November 2018 ballot. On Wednesday, FOX13 received public records that show the city almost spent the full \$40,000. FOX13 obtained an itemized statement which shows Memphis city council hired the Carter-Malone Group, LLC as a consultant for its 2018 referendum campaign. This statement shows the firm spent nearly \$18,000 alone for grassroots marketing and poll workers during early voting, which ran from Oct. 17 to Nov. 1. The city council approved the funding on Oct. 23. On October 26, Save IRV filed a lawsuit against the city council for the emergency funds. Four days later, a judge ruled in the council's favor. "They were straight forward one-sided advocacy, they did not seek to inform the voters in any detail of what the referendums meant or why they might be good or bad. They just said vote yes for

repeal," said Steven Mulroy of Save IRV. Mulroy believes this was dishonest and misled voters.

<https://www.fox13memphis.com/top-stories/fox13-investigates-taxpayer-dollars-used-by-memphis-city-leaders-to-promote-political-cause/898256429>

REDISTRICTING

SCOTUS Blog: Supreme Court to Tackle Partisan Gerrymandering Again

Less than six months after sidestepping a ruling on partisan gerrymandering, the justices announced this afternoon that they will once again wade into the thorny issue of when (if ever) state officials violate the Constitution by drawing district lines to favor one political party at another's expense, this time in cases from North Carolina and Maryland. With the retirement last summer of Justice Anthony Kennedy and his replacement by Justice Brett Kavanaugh, the more conservative court could be poised to rule that courts should steer clear of such claims. The issue of partisan gerrymandering has vexed the justices for some time. In 2004, the justices were deeply divided over a challenge to Pennsylvania's redistricting plan. Four justices—Justice Antonin Scalia, joined by then-Chief Justice William Rehnquist and Justices Sandra Day O'Connor and Clarence Thomas—believed that courts should stay out of partisan-gerrymandering claims, because it is too hard to come up with a manageable test to determine when politics plays too influential a role in redistricting, while four of their colleagues—Justices John Paul Stevens, Ruth Bader Ginsburg, David Souter and Stephen Breyer—disagreed; they would have allowed courts to review partisan-gerrymandering claims. The key vote in the case came (as it so often did) from now-retired Justice Anthony Kennedy, who agreed that the Supreme Court should stay out of the Pennsylvania case but left open the door for courts to have a role in reviewing partisan-gerrymandering cases in the future if a workable standard could be found.

<http://www.scotusblog.com/2019/01/supreme-court-to-tackle-partisan-gerrymandering-again/>