



February 25, 2019

# ACRU Election Integrity Bulletin

## LEAD STORY

### New AG Urged to Launch Investigation of Facebook

Warning that social media companies like Facebook, Twitter, and Google/YouTube, which already are wired to be leftist, have “an unprecedented power to manipulate and sway elections.” A coalition of conservative organizations is asking new Attorney General William Barr to order them investigated. “Such sweeping power, combined with near monopolistic dominance in the marketplace, and in conjunction with deep one-sided liberal partisan bias within all the organizations, is cause for alarm,” a letter the coalition sent to Barr explains. “These organizations present a threat not merely to conservatives in the United States, but indeed our free market economic system and the very viability of the U.S. political system,” the letter said. “Respecting these entities’ own constitutional rights, we believe there nevertheless is ample probable cause of antitrust violations and of conspiracy to violate the constitutional rights of conservatives, and possible collusion to violate laws governing America’s campaign finance system and elections.” The signatures joining Bozell’s included Susan Carleson of the American Civil Rights Union.

<https://mobile.wnd.com/2019/02/new-ag-urged-to-launch-investigation-of-facebook/>

## FEDERAL

### Brett Kavanaugh Could Decide How Redistricting Is Done

Voters keep voicing their frustration with the politically fraught way that state lawmakers redraw congressional districts every 10 years and have approved ways to outsource the work with hopes of making fairer maps. Colorado and Michigan approved ballot measures in November to create independent redistricting commissions to prevent one party from carving up a state in such a way as to entrench itself in office. But the ultimate success of those commissions, as well as lawsuits to combat partisan gerrymandering, could hinge almost entirely on the views of one person—newly confirmed Supreme Court Justice Brett M. Kavanaugh. He is expected to have the pivotal vote in the cases that could curtail how states use politics to draw legislative and congressional districts—or leave them free to be even more partisan in the future. And a future legal challenge to one of those newly created independent commissions could give conservatives on the Supreme Court a chance to reverse an earlier ruling and strike them down as unconstitutional, legal experts say.

<https://www.rollcall.com/news/congress/brett-kavanaugh-could-decide-how-redistricting-is-done>

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## Ballotpedia: 78% of Voters Believe It's Appropriate for the U.S. Census Bureau to Ask Residents if They Are Citizens of the United States

Seventy-eight percent (78%) of voters nationwide believe it's appropriate for the U.S. Census Bureau to ask residents if they are citizens of the United States. A ScottRasmussen.com national survey found that 14% disagree and 8% are not sure. That view is held by a solid majority of every measured demographic group. Ninety-two percent (92%) of Republicans believe the question is appropriate. So do 79% of independent voters and 67% of Democrats. However, several states and cities are suing the federal government to prevent a question about citizenship from being asked on the 2020 census. Last week, the U.S. Supreme Court agreed to hear the case and issue a ruling.

[https://ballotpedia.org/Scott\\_Rasmussen%27s\\_Number\\_of\\_the\\_Day\\_for\\_February\\_21,\\_2019](https://ballotpedia.org/Scott_Rasmussen%27s_Number_of_the_Day_for_February_21,_2019)

### STATES

## Arizona: Illegal Ballot Harvesting a Looming Issue

Republican candidate Martha McSally beat Democrat Kyrsten Sinema in last year's election to fill a vacant U.S. Senate seat. At least McSally won on election night. We all know what happened: over the next week hundreds of thousands of early, absentee, and provisional ballots were reviewed, contested, and counted—and at the end of it all Arizonans found out that Sinema had won. The same thing happened in several down-ballot races. Of particular concern was the race for secretary of state in which Republican Steve Gaynor, who had promised to focus on election integrity, was ahead by 40,000 votes on election night only to lose by 20,252 votes when the final count was certified. The pervasiveness of this phenomena raised alarms among Republicans, who wound up on the losing end of all the races that swung from one party to the other between election night and the final certified count that came a week or more later. How could

this happen? Was it legitimate or is there a real reason for concern over the integrity of the election? Contributing to the suspicion is not only the lead changes, but the substantial amount of time between Election Day and the certification of the vote. Most people understand intuitively that the more time that elapses the more opportunity there is for cheating.

[https://www.realclearpolitics.com/articles/2019/02/22/illegal\\_ballot\\_harvesting\\_a\\_looming\\_issue\\_in\\_arizona.html](https://www.realclearpolitics.com/articles/2019/02/22/illegal_ballot_harvesting_a_looming_issue_in_arizona.html)

## Colorado: Secretary of State Pushes Transparency, Withholds Emails on NPV

Jena Griswold, the newly elected Secretary of State in Colorado, advocates transparency for state lawmakers, yet recently declined to disclose internal communications from her office about the “National Popular Vote” effort that would be a constitutional workaround to the Electoral College. Shortly after Griswold, a Democrat, testified to the Colorado General Assembly in favor of legislation aimed at having the state join the National Popular Vote Interstate Compact, the *Washington Free Beacon* requested communications from her office that referenced the compact spanning a two-week period. Some communications were turned over as a matter of law under the Colorado Open Records Act. However, the secretary's office also noted that some documents were withheld because of the “work product” privilege, an exclusion prescribed in the law. When the *Beacon* requested that the privilege be waived, and the documents turned over, a legal analyst replied, “I'm sorry, but the Secretary does not release work product prepared for her.”

<https://freebeacon.com/politics/colo-secretary-of-state-pushes-transparency-withholds-emails-on-npv/>

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## Colorado: State OKs Joining National Popular Vote

Under a bill passed Thursday by the Colorado House, Colorado has agreed to join 12 other states in a compact system that aims to cast all its electoral votes for the winner of the national popular presidential vote. The compact kicks in as soon as it is adopted by states possessing a combined 270 electoral votes, or a majority of the 538 electoral votes. The bill passed the Democrat-controlled House and now goes to Gov. Jared Polis, a Democrat, who has pledged to sign it. Colorado's nine electoral votes will join 10 other states, one commonwealth and one district for a total of 181 electoral votes, 89 votes short of becoming binding. The National Popular Vote project, which began in 2006, in effect renders the Electoral College moot, eliminating any chance that a candidate can win the presidency without winning the popular vote nationally.

<https://bit.ly/2BO3G1q>

## Florida: Court Rules Florida 'Disenfranchised' Voters by Rejecting Mail-in Ballots for Signature Mismatches

Upholding a Judge's decision that sided with former U.S. Sen. Bill Nelson and national Democrats, the 11<sup>th</sup> U.S. Circuit Court of Appeals on Friday ruled that a Florida law requiring voters' signatures on mail-in ballots to match the signatures on file with elections officials imposes "a serious burden on the right to vote." Friday's 2-1 opinion came more than three months after the November election. Under state law, voters whose mail-in ballots are received by 5 p.m. the day before the election have an opportunity to "cure" rejected ballots by providing documentation to elections supervisors to show that they are who they claim to be. County canvassing boards make decisions about whether signatures match, and thus whether ballots should be counted. But counties don't have uniform regulations to govern the decisions, Democrats argued. In Friday's split ruling, Judge Gerald Tjoflat dissented. The

Democrats had asked the federal court to force county supervisors to count all mail-in and provisional ballots that had been rejected due to signature mismatch, Tjoflat noted. And, Tjoflat argued, a voter who waited "until the eleventh hour to submit his ballot ran the risk that his ballot might be rejected."

<https://www.orlandosentinel.com/news/politics/political-pulse/os-ne-mail-in-signature-court-ruling-20190215-story.html>

## Florida: Votes, Rejected for Arriving Too Late, Were Mailed Days or Weeks Before Election

After last year's election, a judge called Florida the laughing stock of the world. As FOX 13 took a closer look at voting records, we found even more problems. Matthew Thomas mailed corrections to his ballot at a post office in Hillsborough County, near his work, to the election's office in Pinellas, near his home. He said he dropped it off a week before the election. However, we checked the stamp on his envelope and found it arrived a week after the election. It is just one of at least 6,882 votes across Florida that the state says were postmarked before Election Day, which did not count because they arrived too late. Meanwhile across Florida, thousands of legally registered voters turned in their ballots before the election, and they still didn't count because their signatures did not match the ones on file with the election's offices.

<http://www.fox13news.com/news/fox-13-investigates/florida-ballots-rejected-for-arriving-too-late-were-mailed-days-or-weeks-before-election>

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## Georgia: State Could Join Effort to Cancel More Out-of-State Voter Registrations

Georgia might begin participating in a 25-state effort to cancel voter registrations of voters who move away or die. The state could enroll in the Electronic Registration Information Center (ERIC), according to House Bill 316, a broad elections bill introduced last week that also calls for Georgia to replace its electronic voting machines. States that participate in ERIC, a state-funded nonprofit organization founded with assistance from The Pew Charitable Trusts, share voters' information to identify those who no longer live in states where they're still registered to vote. Georgia Secretary of State Brad Raffensperger said ERIC would help election officials ensure that only eligible voters are registered. About 13-percent to 15-percent of Georgians move every year, he said. "That would be one of the best ways for us to keep our lists fresh clean and accurate," Raffensperger said. "It's a very robust software that connects us with other states.... You'll actually find out who's moving, and it connects with death records."

<https://on-ajc.com/2Xneop2>

## Kansas: House Panel Rejects Same-Day Voter Registration Bill

A Republican-controlled legislative committee has rejected a Democratic proposal to allow Kansas residents to register to vote on the same day they cast their ballots. The House Elections Committee's vote Thursday was 7-5 against the measure. The state's current registration deadline is three weeks before an election. Republicans argued Thursday that the change would increase costs for county election offices. They've worried in the past about potential voter fraud.

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

## New Mexico: House Approves Automatic Voter Registration

The New Mexico House of Representatives has voted in favor of automatic voter registration legislation. Lawmakers late Tuesday night approved a bill that would change that state's voter registration to be "opt-out" at motor vehicle offices, according to *Las Cruces Sun News*. Currently, drivers in New Mexico can choose to be registered to vote when they get their driver's license or ID at a Motor Vehicle Division office through an "opt-in" system, the newspaper noted. If the new legislation passes the state Senate, the registration process would be changed to automatically register people unless they choose to opt out, it added. The measure, which was passed in a 44-22 vote in the House, reportedly faced opposition from Republican lawmakers who said that it could result in ineligible people becoming registered to vote illegally.

<https://thehill.com/homenews/state-watch/430907-new-mexico-lawmakers-approve-automatic-voter-registration>

## North Carolina: Board Orders New Election in Fraud-Shrouded House Race

Months of conflict and confusion over a fraud-tainted House race in North Carolina ended Thursday with the State Board of Elections ordering a new election. The five-member board's unanimous vote for a redo capped a months' long investigation and four days of dramatic testimony before the board about an absentee ballot scheme linked to the campaign of Republican Mark Harris. The Nov. 6 results that showed Mr. Harris leading Democrat Dan McCready by 905 votes have been in limbo because of fraud allegations, leaving the 9<sup>th</sup> Congressional District seat empty in the new Congress. The board was tasked with reviewing the evidence and deciding whether to certify the Nov. 6 results or order a new election in the district, which spans the area between Charlotte and Fayetteville.

<https://www.washingtontimes.com/news/2019/feb/21/nc-board-orders-new-election-house-race/>

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## North Carolina: Judge Strikes Down Voter ID Amendment

A controversial voter ID amendment in North Carolina is no more. The measure was one of two constitutional amendments passed in the last election that a superior court judge in North Carolina threw out on Friday. Wake County Judge Bryan Collins ruled that a new voter ID amendment and a cap on state income tax, both passed by North Carolina residents in the 2018 midterm elections, violated the state constitution. North Carolina Republican Party Chairman Robin Hayes says that the Collins ruling is a constitutional overreach. “These amendments were placed on the ballot and passed by an overwhelming majority of North Carolinians,” Hayes said, per the *News and Observer*. “This unprecedented and absurd ruling by a liberal judge is the very definition of judicial activism.”

<https://washex.am/2EvSys3>

## Oregon: Lawmakers Seek to Lower Voting Age in State to 16

Children are our future—and a group of Oregon lawmakers wants the future to be now. They’re pushing a bill that would amend Oregon’s constitution to lower the voting age in the state from 18 to 16. They hope to put it before voters in 2020. Pressing issues affecting young people have lowered the voting age in the past. It used to be 21 before the 26<sup>th</sup> Amendment to the U.S. Constitution, ratified in 1971, lowered it to 18.

<https://bit.ly/2G19Kgd>

## Pennsylvania: Local Lawmaker Claims Thousands of Non-U.S. Citizens Are Voting in State

State Rep. Brad Roae (R-Crawford-Erie) said he wants the state to be more cooperative in determining how many foreign nationals are registered to vote in Pennsylvania. Roae made his comments during a panel discussion involving other state lawmakers who represent Erie County. The panel was asked what steps should be taken to increase the accuracy of voter registration. Roae said thousands of non-U.S. citizens are registered to vote in Pennsylvania due to a glitch by PennDOT. People who are applying for, or renewing, their driver’s license, are asked if they are a U.S. citizen. They also are asked if they want to register to vote. Between 1995 and 2017, people who revealed they are not a U.S. citizen were still able to sign up to vote as part of PennDOT’s Motor Voter program. Controversy still stirs as to how many foreign nationals are registered in Pennsylvania. The state claims 11,198 people. The Pennsylvania Department of State is working with county election officials to track down those voters.

<https://www.erienewsnow.com/story/40012586/local-lawmaker-claims-thousands-of-non-us-citizens-are-voting-in-pennsylvania>

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## Texas: State Official Defends Voter Probe, Says Possible Illegal Activity Found

A state elections official defended the investigation in federal court Wednesday, saying some potential illegal activity has been uncovered and blaming several county officials for problems that have arisen. Keith Ingram, head of the Elections Division at the Texas Secretary of State's office, said 43 people on the list of suspect voters contacted his agency and asked to have their voter registration canceled because they were not U.S. citizens. "I believe some have voted," he told U.S. District Judge Fred Biery during a hearing into efforts by civil rights groups and an affected voter to halt the investigation as an error-riddled effort that improperly singles out naturalized citizens. An additional 37 people asked to be removed from the state list of registered voters but gave no reason for the request.

<https://www.statesman.com/news/20190220/state-official-defends-voter-probe-says-possible-illegal-activity-found>

## Virginia: General Assembly OKs Limited 'No-Excuse' Absentee Voting for 2020

Beginning in fall 2020, Virginia will have more than Election Day. It will be more like Election Week. Voters will go to the polls on Tuesday, November 3, 2020, to cast ballots for President and other political offices. But for the first time, Virginians will be able to vote early that year—from October 24 through October 31—without needing to provide an excuse. That is the effect of legislation passed Thursday by the General Assembly and sent to Gov. Ralph Northam, who has expressed support for the measure.

<https://wtkr.com/2019/02/21/virginia-general-assembly-oks-limited-no-excuse-absentee-voting-for-2020/>

## REDISTRICTING

### Fox News: Obama and Former AG Holder Announce New Campaign to Combat Gerrymandering

Former President Barack Obama's nonprofit political organization is teaming up with his former Attorney General to launch a campaign against gerrymandering. The "All On The Line" campaign—which will also work to protect the Affordable Care Act, reduce gun violence, and expand voting rights—is part of a push in recent years by high-profile Democrats to curtail the use of gerrymandering across the country.

<https://www.foxnews.com/politics/obama-and-former-ag-holder-announce-new-campaign-to-combat-gerrymandering>