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ACRU Election Integrity Bulletin

LEAD STORY

ACRU Joins Conservatives Opposing H.R. 1, the Ultimate Fantasy of the Left

Conservatives are united in opposing H.R. 1, the attempt by House Democrats to fundamentally undermine the American electoral system. While they cloak the bill in terms of “restoring democracy” and “preventing corruption,” the legislation has one goal: to protect incumbents, at the expense of the First Amendment, federalism, and individual voter integrity. H.R. 1 undermines the First Amendment. H.R. 1 undoes key Supreme Court cases that protect elections as fundamental to free speech. It would allow the Federal Election Commission to track and catalogue more of what Americans are saying, register even very small political donations, and make public those who donate to different charitable and nonprofit organizations. The legislation will subject private citizens to intimidation and harassment for their private and political beliefs, far broader than what was done in the IRS targeting scandal.

<http://conservativeactionproject.com/conservatives-oppose-h-r-1-the-ultimate-fantasy-of-the-left/>

FEDERAL

Conservative Review: Non-Citizens Voting in Our Elections is a Huge Problem

The fact that illegal immigrants are likely voting in our elections is a national emergency in its own right

that should demand immediate attention from our political leadership. Over the weekend, the Texas Department of Public Safety released the details of a voter registration analysis showing that 95,000 registered voters are suspected of having registered to vote as non-citizens. They further found that 58,000 of those registered voters cast ballots at least once since 1996. The fact that someone who is applying for the ultimate right of a citizen can merely rely on his driver’s license, which was issued upon a showing of immigrant documentation, is a threat to our franchise.

<https://www.conservativereview.com/news/non-citizens-voting-elections-huge-problem/>

Heritage Foundation: What a Registration Surprise in Texas Tells Us About Voter Fraud

The man in charge of elections in Texas made a surprise announcement last week: As many as 95,000 noncitizens had registered to vote, and 58,000 of them may have voted in at least one election between 1996 and 2018. The finding announced by Texas Secretary of State David Whitley is serious. Here’s what is actually happening. For nearly a year, Whitley’s office has worked to compare the state’s voter rolls to data from the Department of Public Safety, with the goal of flagging people who are registered to vote but who also provided DPS with documentation indicating they are not U.S. citizens. Whitley’s office cautioned that the matches should be further investigated, and do not automatically trigger cancellation of voter registration.

<https://herit.ag/2MKzE2Y>

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STATES**Arizona: AZGOP Audit Says Fontes Actions Questionable, Not Illegal**

Preliminary results of an audit commissioned by the Arizona Republican Party concluded that Maricopa County's Democratic recorder didn't violate any laws during the 2018 general election and that two disputed policies he implemented didn't affect the outcomes of any races. Attorney Stephen Richer, who is conducting the audit, Richer wrote that he is still awaiting records from the Maricopa County Recorder's Office and emphasized that the findings are not final. Richer wrote that then-AZGOP Chairman Jonathan Lines commissioned the audit in November 2018 in response to Republican concerns about the party's November losses, which came after Democrats took the lead in several statewide races in the days after Election Day. The audit focused on four issues: Fontes's expansion of pre-election emergency voting, his decision to verify or "cure" early ballots that had problematic signatures after the polls closed on Election Day, allegations of partisanship against Fontes, and several unsubstantiated election fraud allegations. Richer said he "appreciates" that Fontes acknowledged he didn't jump hastily to any conclusions in the audit, but said the findings raised red flags.

<https://www.azmirror.com/2019/01/31/azgop-audit-says-fontes-actions-questionable-not-illegal/>

California: Top Elections Officials Say They Asked Secretary of State Alex Padilla to Hold Off on DMV Roll-Out

The plan called for the Department of Motor Vehicles to automatically register people who came into its offices, one of several efforts by Democrats controlling California politics to make it easier for more people to vote. With the June 2018 primary approaching, election officials said they warned that the department that manages car registration and boat licenses was not yet prepared to register voters. State Sen. John Moorlach, R-Costa Mesa, thinks the DMV's implementation was flawed, but said Padilla should have taken more personal responsibility. "It's

his fault. He should have respected the advice of the experts and implementers." Padilla considered a temporary halt to Motor Voter ahead of the November general election. He briefly asked the DMV and CDT to stop sending voter information to his office, prompting concerns from county clerks. They worried they would wind up with a large backlog of data right before the election. But Padilla ultimately decided to keep the program running with an added layer of review.

<https://www.sacbee.com/news/politics-government/capitol-alert/article224696945.html>

Colorado: State Senate Passes Bill Favoring Popular Vote Over Electoral College

The Colorado Senate this week passed a bill that would award the state's electoral votes to the presidential candidate who wins the nationwide popular vote. The Senate passed the measure along party lines in a 19-16 vote Tuesday, sending the bill to the state House for consideration. The bill, known as the national popular vote interstate compact, was sponsored by state Sen. Mike Foote (D), would require Colorado members of the Electoral College to cast their vote for the winner of the national popular vote.

<https://thehill.com/homenews/state-watch/428015-colorado-senate-passes-bill-to-give-electoral-votes-to-presidential>

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Colorado: State Withdraws from Kansas Interstate Voter Registration Crosscheck

This week, Colorado Secretary of State Jena Griswold formally withdrew the state of Colorado from ‘Kansas Crosscheck.’ Colorado joined Crosscheck in 2008, under Secretary of State Mike Coffman. Since its inception, the program has been riddled with problems including insufficient data and an inability to guarantee the privacy of Coloradans. In addition, the program has been used as a partisan charade, resulting in the potential disenfranchisement of eligible citizens from the voter rolls. Crosscheck was promoted as a data sharing tool for states to maintain their voter registration rolls. Colorado is a founding member of the Electronic Registration Information Center (ERIC). Unlike Crosscheck, ERIC sends states quality list maintenance data on a near continuous basis. Also, unlike Crosscheck, ERIC exceeds industry standards for data security. Twenty-six states and the District of Columbia are members of ERIC. Secretary Griswold urges Crosscheck to close and for other states to join ERIC.

<https://pagosadailyreport.com/2019/02/01/colorado-withdraws-from-kansas-interstate-voter-registration-crosscheck/>

Connecticut: Former Stamford Dem Party Boss Charged with Falsifying Absentee Ballots

John Mallozzi, the city’s former Democratic Party chief, was arrested Wednesday on charges of absentee ballot fraud in the 2015 municipal election. He allegedly forged ballots for relatives, Spanish-speaking residents and Albanian-Americans new to the election system, according to the State’s Attorney’s Office. Mallozzi was charged with 14 counts each of filing false statements and second-degree forgery. He turned himself in to Stamford police on the charges, both Class D felonies punishable by up to five years in prison and/or a fine of up to \$5,000 per count. Mallozzi, a longtime figure in city politics, chaired the Stamford Democratic City Committee from 2012 to 2016. Investigators with the State’s Attorney’s Office in Stamford allege that Mallozzi’s handwriting matched that of signatures on

14 absentee ballots assigned to voters who said they never requested them.

<https://bit.ly/2S25iPr>

Florida: Governor DeSantis Opposes Letting Late Mail Ballots Count

One of the lawsuits still floating around after the 2018 election seeks to have mail ballots counted up to 10 days after an election if they were mailed before polls closed, but speaking to reporters Wednesday, Governor Ron DeSantis says an election needs to be final on election day. The Governor says he opposes allowing late ballots to count. “When you know that, and we know the finite number of votes it’s very difficult to say that someone is manipulating the results because it’s there,” said DeSantis. “It’s only when we don’t know how many votes are out there, that people can say ‘Oh, someone just brought a truckload of votes in’, so I want to avoid that.” Under current law, ballots mailed from overseas by active military can be counted if they are received within 10 days of the election.

<http://www.flanews.com/2019/01/30/desantis-opposes-letting-late-mail-ballots-count/>

Florida: Suspended Palm Beach Elections Supervisor Resigns

A suspended Florida county elections supervisor who failed to meet deadlines during recounts after November’s election has resigned. Susan Bucher, a Democrat, sent a letter to the Republican Florida Gov. Ron DeSantis on Friday officially stepping down as Palm Beach County elections supervisor. DeSantis suspended Bucher earlier this month, and the state Senate would have had the final say in whether she should have been permanently removed. DeSantis previously said Bucher violated the law by not completing recounts by a state-mandated deadline. He appointed lawyer Wendy Link to fill the position.

<https://www.washingtontimes.com/news/2019/jan/28/susan-bucher-suspended-palm-beach-county-elections/>

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Kentucky: House Race Ends in Tie After Recount: ‘Normally, You Don’t Count Invalid Ballots’

A recount in a Kentucky state House race originally won by a Democrat by a single vote has ended in a tie after the local board of elections decided to open and count five absentee ballots that had previously been rejected. It’s unclear what comes next. Democrat Jim Glenn defeated former Republican state Rep. DJ Johnson on Election Day by a one-vote margin. Kentucky does not have automatic recounts, and the Kentucky State Board of Elections certified Glenn as the winner. He was sworn in on Jan. 5 and has an office and been assigned to committees. But the Republican-controlled state legislature ordered a recount at Johnson’s request, relying on a state law that allows candidates in legislative races to contest election results. Saturday, the Daviess County Clerk’s Office recounted more than 12,000 ballots by hand. Glenn emerged from that process ahead by three votes. But after a personal appeal from Johnson, the Daviess County Board of Elections—which consists of two Republicans and two Democrats—voted to give Johnson one of those votes back, putting him down by two. The board then reviewed 17 absentee ballots that they had unanimously rejected on Election Day. This time, the board decided five of those ballots were legal, and opened them. Johnson received three of them, Glenn received one and one ballot was blank. That made the final results a tie, with each candidate receiving 6,323 votes.

<https://www.washingtontimes.com/news/2019/feb/3/jim-glenn-dj-johnson-kentucky-house-race-ends-tie/>

Kentucky: ‘It’s Inappropriate.’ Staff of Grimes Searched Voting Records of Workers and Rivals

In an appearance on MSNBC in July 2017, Kentucky Secretary of State Alison Lundergan Grimes expressed her vehement opposition to giving voter data to President Donald Trump’s voter fraud commission, which had requested it from election officials in all 50 states. The privacy risks were simply too high, she said. “There is not enough bourbon here in Kentucky to make this request seem sensible,” Grimes said. “Not on my watch are we going to be

releasing sensitive information that relates to the privacy of individuals.” But beginning months before she made that statement, Grimes’ own staff had been looking up hundreds of voters in the very same registration system. One of her former staffers first revealed the practice last summer but provided little detail.

<https://www.kentucky.com/news/local/watchdog/article225085295.html>

Mississippi: Proposal Would Make Voter ID Law Stricter

A proposal would set a shorter deadline for Mississippi voters to show photo identification if they forget it on Election Day. Since 2014, the state has required people to show government-issued identification, such as a driver’s license, before voting. Anyone who forgets an ID may cast an affidavit ballot at the precinct but must go to a courthouse within five days to show the identification. If they don’t show up, their ballot is rejected. Senate Bill 2242 would shorten the five days to three days. Senate Elections Committee Chairman Kevin Blackwell, a Republican from Southaven, said some election commissioners around the state have told him the five-day window slows the process of certifying election results. Danny Klein, chairman of the DeSoto County Elections Commission, said only a few people forget to take their photo identification to the polls each election. Some of those people quickly go to the courthouse to show the ID so their vote will count, but most simply never show back up, he said.

<https://www.washingtontimes.com/news/2019/feb/2/proposal-would-make-mississippi-voter-id-law-strict/>

North Carolina: New Elections Board Named Allowing 9th District Investigation to Proceed

After more than a month without a State Board of Elections, Gov. Roy Cooper on Thursday named five people to the reconstituted board. Another meeting will be held next week, at which time members will set a date for a hearing into the ongoing investigation of alleged absentee ballot fraud in the 9th Congressional District race.

<https://www.wral.com/new-nc-elections-board-named-allowing-9th-district-investigation-to-proceed/18160396/>

North Carolina: House Speaker Continues to Back Voter ID Law

As debate about North Carolina's new voter identification law continues, Cleveland County election officials are awaiting guidance on issuing photo IDs. In November, North Carolina voters approved a constitutional amendment requiring voters to show a photo ID before casting ballots. The North Carolina General Assembly passed the new voter ID law in December. A lawsuit challenging voter ID in North Carolina was filed hours after legislation implementing the constitutional amendment became law. Now, Republican legislators hope to have the lawsuit dismissed. House Speaker Tim Moore, the primary sponsor of the original legislation proposing a voter ID constitutional amendment, said the court should dismiss the latest lawsuit for failure to state a claim. "The people of North Carolina chose to add voter ID to their state constitution, and we will not allow Governor Cooper or these plaintiffs to suppress their voice in the democratic process," Moore said.

<https://bit.ly/2MM1gom>

Pennsylvania: State Admits to 11,000 Noncitizens Registered to Vote

A top Pennsylvania lawmaker called on the state Wednesday to immediately expunge the names of 11,198 noncitizens whom the state confirmed are registered to vote, despite not being eligible. State Rep. Daryl Metcalfe, a Republican and former chairman of a House government oversight panel, said the administration of Gov. Tom Wolf, a Democrat, belatedly acknowledged the large number of noncitizens in communications over the past two months. "I believe that we need to take action and have those people removed immediately from the rolls," Mr. Metcalfe told *The Washington Times*. "They were never eligible to vote." Just days earlier, officials in Texas announced they had found nearly 100,000 noncitizens on the state's voter rolls. The numbers, while not yet evidence of massive voter fraud that President Trump said marred the popular vote in the 2016 election, are nonetheless higher than the almost-zero levels of voting mischief that the president's critics have suggested.

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

Texas: Woman Arrested for Voting Using Deceased Person's Identity

A woman arrested on voter fraud allegations will be prosecuted at the state level. Investigators say Bernice Annette Garza voted in the March 2016 democratic primary election, using a deceased person's identity. They say she used a mail-in ballot in Starr County. Garza has been charged with voter impersonation, illegal voting, and providing false information. The attorney general says Hidalgo County prosecutors will help with the case.

<https://www.krgv.com/news/woman-arrested-for-voting-using-deceased-person-s-identify>

Virginia: Governor Northam's Push to Strike Down Voter ID Laws Fails

In early January, before the start of the 46-day General Assembly session in Richmond, Virginia Governor Ralph Northam (D) announced that he would work with the Democratic Party to repeal the Commonwealth's long-standing law requiring voters to present photo identification at the ballot box. Although Northam and Democrats in the Virginia legislature had high hopes to strike down the law this session, the Republican majority in both the House of Delegates and State Senate blocked the progressive measure. The House Privileges and Elections Committee did not deliberate the bill before Tuesday's crossover, leaving it behind without a chance to be considered again this year. The bill in the upper chamber was "passed indefinitely" by Senate Privileges and Elections Committee, meaning the bill can be considered at the next meeting; however, routinely that does not occur.

<https://therepublicanstandard.com/governor-northams-push-to-strike-down-voter-id-laws-fails/>

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REDISTRICTING**Florida: Governor DeSantis Promises New SCOTUS Won't Side So Much with Democrats**

Gov. Ron DeSantis told legal conservatives Friday that the Florida Supreme Court too often favors Democrats in rulings including redistricting. But he promised that will now change. Speaking at the annual convention for the Federalist Society, held this year at the Convention Center at Yacht & Beach Club in Lake Buena Vista, the Republican slammed Florida's high court as an activist one. "You have a court that's constantly gone beyond the bounds of what is judicial into the realm of what is really legislative," he said, according to Florida Trend's Jason Garcia. "By the way—is this just a big coincidence?" he said. "Anything that had a political color to it just always happened to be decided in the way of the Democratic Party." He specifically cited redistricting as a concern.

<http://floridapolitics.com/archives/287220-ron-desantis-promises-new-flscotus-wont-side-so-much-with-democrats>

Michigan: Redistricting Deal Killed by Federal Judges

A three-judge panel on Friday rejected a proposed deal to redraw at least 11 Michigan House districts for the 2020 election, saying the state's new Democratic secretary of state had no authority to make a pact with fellow Democrats who accused Republicans of crafting unconstitutional maps. The decision means the federal judges will hold a trial, starting Tuesday.

<http://ktar.com/story/2421231/michigan-redistricting-deal-killed-by-federal-judges/?show=comments>