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ACRU Election Integrity Bulletin

LEAD STORY

In Defense of the Electoral College

Senator Elizabeth Warren has joined a growing chorus within the Democratic party in calling for the abolition of the Electoral College. A large portion of the Democratic party's present animosity toward the Electoral College is rooted in rank partisanship. Since they watched their supposed "blue wall" evaporate in the small hours of the 2016 presidential election, many Democrats have felt sufficient anger with the system to seek to remake it. This habit has by no means been limited to the Electoral College. Indeed, no sooner has the Democratic party lost control of an institution that it had assumed it would retain in perpetuity than that institution has been denounced as retrograde and unfair. In the past year alone, this impulse has led to calls for the abolition or reinvention of the Senate, the Supreme Court, and more. Insofar as there does exist a serious argument against the Electoral College, it is increasingly indistinguishable from the broader argument against the role that the states play within the American constitutional order, and thus from the argument against federalism itself.

<https://www.nationalreview.com/2019/03/electoral-college-states-role-political-diversity/>

FEDERAL

OneNewsNow: Anti-Electoral College Plan Almost Two-Thirds There

Democrats have long opposed the Electoral College because with overwhelming margins of victory in high-population states like California they could dominate future presidential elections based on the popular vote. Hans von Spakovsky is senior legal fellow at The Heritage Foundation and a former commissioner on the Federal Election Commission. He says a movement going on in all 50 states sponsored by the National Popular Vote, an advocacy group in California, claims they can get rid of the Electoral College's effects by having the states agree to a state compact. "The state compact they are pushing is for state legislatures to agree that in future presidential elections they will not award the Electoral College votes of their state according to whichever presidential candidate got the most votes in their state," he explains. "Instead they would award their Electoral College votes to whichever candidate won the national popular vote." According to the National Popular Vote website, 11 states (plus the District of Columbia) have enacted the law, representing 172 electoral votes: California, Connecticut, Hawaii, Illinois, Massachusetts, Maryland, New Jersey, New York, Rhode Island, Vermont, and Washington—all Democrat-controlled states. Colorado is expected to join this group soon, bringing that count up to 181.

<https://onenewsnow.com/politics-govt/2019/03/13/anti-electoral-college-plan-almost-two-thirds-there>

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Daily Caller: Election Expert Says Electoral College Had Nothing to do with Slavery

Attorney and election expert Tara Ross said the Electoral College has nothing to do with slavery during an interview with “Fox & Friends” Wednesday. “You hear today that it’s just about slavery and the southern slave-owning states wanted to have an Electoral College. Nothing could be further from the truth,” she said. “If you look at the discussions, it was large versus small. Some of the large were northern states. Some of the large were southern states. And vice versa. It was about the size of the states. It was not about slavery at all. It was about, ‘let’s have a presidential candidate who addresses the needs of the whole country.’” Ross said small states were concerned about being left out of the fold, which led to a compromise and the current system in place today. “The small states were terrified that they would be run over by the large state delegates if anything like that were to happen,” she said earlier in the interview.

<https://dailycaller.com/2019/03/20/electoral-college-slavery/>

STATES

Arizona: State Ends Participation in National Voter Registration Database

Arizona’s top elections official has removed the state from a national voter registration system that critics have called inaccurate and vulnerable to hackers. Secretary of State Katie Hobbs announced Tuesday that the state has been withdrawn from the Interstate Voter Registration Crosscheck program. “I am not willing to take any chances with the security and accuracy of our voter registration list,” she said in a statement, adding that her office will not send any information to Crosscheck.

<http://ktar.com/story/2492700/arizona-ends-participation-in-national-voter-registration-database/>

Arizona: State Will Require Identification for Early Voting

Arizona Gov. Doug Ducey has signed legislation requiring identification to cast a ballot in person at an early voting center. The measure signed Friday requires early voters to provide the same forms of ID they’d have to show to vote on Election Day. It doesn’t apply to those who vote with a ballot received in the mail. Republicans passed the bill in party-line votes of the House and Senate saying early voters shouldn’t be able to get around the identification requirement.

<https://www.usnews.com/news/best-states/arizona/articles/2019-03-22/arizona-will-require-identification-for-early-voting>

Colorado: Voters Evenly Split Over ‘National Popular Vote’ Law, Poll Shows

Colorado voters are evenly divided over a move to repeal a law that would hand the state’s Electoral College votes for president to the candidate who wins the popular vote nationally, a new Magellan Strategies poll found. The poll, conducted by the Colorado-based Republican firm and made available before its release to Colorado Politics, found that 47 percent of likely Colorado voters approve of changing the way Colorado awards its electoral votes, while 47 percent said they would vote to reject the new law and keep things as they are, with opinion falling solidly along party lines. Voter opinion about the Electoral College is also split, with 49 percent saying they have a favorable opinion of it and 47 percent saying they have an unfavorable opinion.

<https://bit.ly/2WIH9B7>

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Florida: Gillum's 'Red Flag' Plan to Stop Trump: 1M More Voters

Andrew Gillum announced a plan Wednesday to register and turn-out 1 million new and low-propensity Florida voters in an effort to crush President Donald Trump's reelection chances in the nation's largest swing state. "Voter registration is red flag No. 1," the former Tallahassee mayor told POLITICO, calling increased voter registration crucial to the Democratic Party's ability to survive and thrive in Florida. "We're looking at a target of 1 million," he said. "We've got over 3 million people eligible to vote, and that's to say nothing of the 1.4 million returning citizens"—former felons in line to have their voting rights restored under a constitutional amendment approved by voters last year. Gillum's staff wouldn't give specifics about the targeted number of new voters he hoped to register or the number of voters they hope to reengage after they decided not to vote in the past two general elections. At the same time, the Florida Democratic Party said it will spend \$2 million in the next year to register 200,000 voters ahead of the 2020 presidential primary. <https://www.politico.com/states/florida/story/2019/03/20/gillums-red-flag-plan-to-stop-trump-1m-new-florida-voters-927053>

Georgia: New Investigation Targets Lost Absentee Ballot Requests

Georgia Secretary of State Brad Raffensperger is opening a new investigation into allegations that 4,700 absentee ballot requests went missing before November's election. Raffensperger, a Republican, announced the investigation Thursday after the Democratic Party of Georgia had alleged last fall that 4,700 DeKalb County voters sent ballot applications to the county elections office but never received their absentee ballots in the mail. "There is nothing I take more seriously than guaranteeing election integrity and bringing free and fair elections to every eligible voter, whether they choose to vote absentee or on Election Day," Raffensperger said. "My office will exhaust every resource to investigate these allegations."

<https://www.ajc.com/news/state--regional-govt--politics/new-investigation-targets-lost-georgia-absentee-ballot-requests/dAG3juO1cLBQJDBh3qVvJ/>

Pennsylvania: State Rejected Twice as Many Absentee Ballots in 2018

Pennsylvania elections officials rejected more than twice as many absentee ballots during last year's midterm elections than they did in 2010. That year, 1.9 percent of absentee ballots were rejected compared with 4.7 percent in 2018. The rate is rising because the deadline for getting ballots counted is too early, critics said. Since the vast majority of absentee ballots are rejected for arriving after the deadline, the ACLU is suing Pennsylvania, which has the earliest deadline in the country—ballots must arrive by the Friday before the election. The group filed the lawsuit along with nine Pennsylvania voters who claim that the early deadline disenfranchised them. Out of the 205,559 absentee ballots submitted in Pennsylvania during the 2018 midterms, 9,741 were rejected.

<https://whyy.org/articles/pa-rejected-twice-as-many-absentee-ballots-in-2018/>

Texas: Starr DA Testifies on Voter Fraud

Election fraud cases stemming from a Starr County investigation launched by 229th District Attorney Omar Escobar last year were the focus of his testimony Monday before a Senate Committee on State Affairs regarding an "election integrity" bill. Filed by state Sen. Bryan Hughes, R-Mineola, Senate Bill 9 would tighten laws around mail-in ballots and voter assistance. It would also increase the penalties for making a false statement on a registration application and illegally assisting voters to a state jail felony. Additionally, the standard to prove voter fraud in an election contest would be raised from having to provide "clear and convincing evidence" to a "preponderance of evidence." Escobar testified in support of the bill by speaking on the DA office's efforts, beginning in January 2018, to enforce state election laws that were enacted in 2017.

<https://www.themonitor.com/2019/03/21/starr-da-testifies-voter-fraud-support-sb-9/>

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Texas: Why Ballot Fraud Is as Big as Texas

Although part of her job description is making sure elections are fair and square, Nueces County Clerk Kara Sands hadn't given much thought to ballot fraud until a constable candidate from a nearby suburb visited her office in May 2016. The ex-cop was familiar with how voter fraud worked, Sands said, and "he was afraid that people in Robstown were using the mail-in ballots illegally" in a Democratic primary runoff. That galvanized the Republican official, and it wasn't long before her second-floor office became a repository of voter mischief: Cardboard boxes, ballot application envelopes, voter registration lists, and other papers heaped on an aged beige couch, a round wooden table and the across the floor. Atop one stack of papers: a list of mail-in ballot applications all signed and witnessed by the same person, a clue to illegal ballot-harvesting. Because much of the fraud involves unwitting older voters and the homebound, Sands also visits local nursing homes and knocks on the doors of voters from whom she has received complaints. "People don't even realize their votes are being stolen," Sands said. "The harvesters come along at election time and bring food, they have these neighborhoods mapped out and they can go door to door and build relationships. Mostly elderly people are being victimized and they don't even know it." Texas leads the nation in prosecutions of election fraud—since January 2018, 33 people have been convicted of election crimes in cases brought by the state attorney general's office, and 13 more have cases pending.

<https://texasmonitor.org/why-ballot-fraud-is-as-big-as-texas-despite-local-enforcers/>

REDISTRICTING

Virginia: Supreme Court Weighs Race Factor in Gerrymandering Case

The Supreme Court Monday waded into a long-running dispute over the use of race as a factor in drawing Virginia's state legislative districts, setting the stage for a major decision that could reshape the electoral landscape in a key swing state on the eve of the 2020 presidential election. The case centers on 11 state House of Delegates districts whose boundaries were drawn in 2011 following the 2010 census and have high numbers of black voters. Critics allege the map was drafted to "pack" racial minorities into districts to limit their political influence elsewhere; defenders say race did not predominate other race-neutral considerations. The Voting Rights Act of 1965 requires states like Virginia with a history of systemic discrimination to consider race as a factor when drawing boundaries. However, the 14th Amendment's Equal Protection Clause limits states from using race to restrict voting rights of a minority group. The justices grappled openly with that balancing act, and how to measure it fairly. "I'm wondering how a state can comply with the Voting Rights Act on the one hand and Equal Protection on the other in this narrow band," said Justice Brett Kavanaugh.

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

Wisconsin: Scott Walker to Raise Money for Republican Redistricting Group

Former Gov. Scott Walker will lead fundraising for a Republican group focused on drawing maps for Congress and state legislatures. As fundraising chairman for the National Republican Redistricting Trust, Walker will serve in some ways as a counterpoint to Eric Holder, the former attorney general under President Barack Obama who has been active in Wisconsin politics since last year. Holder oversees the National Democratic Redistricting Committee. Both groups say they want to ensure redistricting is fair after the 2020 census, but they're likely to differ on what qualifies as fair.

<https://bit.ly/2TznoE9>