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Institute

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ACRU Election Integrity Bulletin

LEAD STORY

No, Prisoners Should Not be Voting from Their Cells

Dzhokhar Tsarnaev, the Boston bomber whose cold-blooded attacks killed three including a child and maimed scores more, ought to be able to vote. So, too, should every other incarcerated terrorist, murderer, rapist, human trafficker and Fentanyl dealer. That, unbelievably, is the position of Sen. Bernie Sanders. Fortunately, the vast majority of Americans feel differently. One poll found that 75% of Americans disagree with his basic argument that voting rights should never be taken away from felons under any circumstances. But Sanders hasn't relented. He even published an opinion piece in *USA Today* holding up prison voting as an antidote to a criminal justice system he characterized as systemically racist, which enables "mass incarceration" as a "tool of voter suppression." Felons show through their actions that they do not deserve society's implicit trust. They do deserve a second chance, but the burden is theirs to demonstrate that they have become law-abiding and upstanding citizens in other words, the very people we want to be voting.

<https://herit.ag/2HCW1GI>

FEDERAL

Mclver Institute: An Automatic Cause for Concern

On its face, automatic voter registration seems like a difficult proposal to reject. After all, who doesn't want to make it easier to vote? Who doesn't want as many

people as possible voting? It is, of course, nothing of the sort. In fact, the only thing at odds with representative democracy and constitutional governance is automatic voter registration itself. This presents a significant First Amendment concern, as the act of refusing to take part in the electoral process can be just as much of a political statement as voting. So too is refusing to register altogether. The underlying premise of mandatory voter registration runs counter to well-settled political speech protections. It is also a solution in search of a problem.

<http://www.maclverinstitute.com/2019/05/an-automatic-cause-for-concern/>

STATES

California: Botched Motor-Voter Rollout Hovers Over 2020

A major foreign cyberattack on California's new automated voter registration system during its glitch-filled rollout last spring flew mostly under the national media's radar. The California case is particularly vexing from election-integrity and voter-privacy perspectives because the hack targeted the motor-voter registration system just six days before its scheduled launch. Among the concerns surfacing now is that state officials never publicly acknowledged the hacking until California media reported on it last month. And there are lingering questions—and serious doubts—over whether the system's numerous glitches have been fixed in the lead-up to the 2020 Presidential primary and general election.

https://www.realclearpolitics.com/articles/2019/05/17/californias_botched_motor-voter_rollout_hovers_over_2020_140349.html

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California: A Fix for Election Integrity Issues or Something Else Entirely?

A bill to allow the use of non-provisional ballots for conditional same-day voter registration is being touted as necessary “for Californians who miss the deadline to register to vote or update their registration before an election.” It remains to be seen but California could use a fix to the state’s ballot harvesting issue which arose in the 2018 General Election. AB 693 by Assemblyman Marc Berman (D-Los Altos), says the bill is an important safety net for Californians who miss the deadline to register to vote or update their registration before an election. Weeks after election night November 6, 2018, voters watched as double-digit leads in many key California House races disappeared as additional ballots were found and recorded—finalizing one month later. Election Integrity Project California (EIPCA) is opposed to AB 693 and says it would facilitate erroneous registrations and ensure that ineligible votes would be cast and counted. EIPCA has covered election irregularities and integrity issues since 2010 and compiled a significant database of California election incidents. <https://californiaglobe.com/legislature/a-fix-for-californias-election-integrity-issues-or-something-else-entirely/>

Florida: Election Fraud? Florida Won’t Pledge to Look for Voters Registered in Multiple States

An effort to clamp down on potential voter fraud in Florida has been bogged down by an unlikely source: the state’s Republican-controlled administration. More than a year ago, Florida legislators gave permission to the nation’s third-largest state to join a multistate partnership to flag people registered to vote in more than one state. Florida, a haven for semi-residents who trek yearly from the North and Midwest, has long been hit with reports of people possibly voting in more than one state. Republicans—including President Donald Trump—have complained about voter fraud despite a lack of evidence. A top state election official who works for Gov. Ron DeSantis told local election supervisors on Wednesday that it

wasn’t clear when—or if—the state would become a member of the Electronic Registration Information Center, or ERIC. Member states exchange voting information and look for duplicate registrations. <https://www.politico.com/states/florida/story/2019/05/22/voter-fraud-florida-wont-commit-to-effort-to-look-for-voters-registered-in-2-states-1026006>

Florida: Here’s a History of Miami’s Many Ballot-Fraud and Boletero Scandals

Last week, *New Times* published images from a leaked, 150-page WhatsApp chat that included volunteers with then-Miami-Dade County Commission candidate Alex Diaz de la Portilla’s campaign District 5, discussing stealing and destroying ballots during the 2018 District 5 County Commission race. Diaz de la Portilla—who paid thousands of dollars to the political consultant who organized the WhatsApp chat—claims the entire story is made up and “libelous.” But while the allegations are serious, they’re not a new phenomenon in Miami-Dade County. Quite the opposite in fact. The tactics outlined in the WhatsApp chat seem to be some of the oldest voting tricks in the Miami election playbook—campaigns hire boleteros to help voters “handle” their absentee ballots, and maybe those campaign workers happen to make a few votes for their opponents disappear here or there. It’s been an issue in South Florida for decades, but truly came to a head after the 1997 City of Miami mayoral race, when then-Mayor Xavier Suarez was removed from office after investigators discovered all sorts of illegal votes for him. (This then ushered in the era of Mayor “Loco Joe” Carollo.) <https://www.miaminewtimes.com/news/miamis-voter-fraud-and-boletero-history-11181102>

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Florida: Miami Candidate's Campaign Workers Might Have Tampered with Absentee Ballots

An explosive, 150-page WhatsApp chat leaked to *Miami New Times* appears to show members of Miami-Dade County Commission District 5 candidate Alex Diaz de la Portilla's 2018 campaign team discussing destroying or stealing absentee ballots from voters who selected one of Diaz de la Portilla's opponents, Zoraida Barreiro. In one message, a campaign worker posted an image of a ballot and joked it had been stolen. In another text, someone took a photo of a ballot and wrote, "Byebye." In a third message, someone instructed a campaign worker to "tear up the ballot good."

<https://www.miaminewtimes.com/news/alex-diaz-de-la-portilla-campaign-discussed-ballot-tampering-whatsapp-transcript-shows-11177865>

Georgia: State Joins Multi-State Voter Registration and Cancellation Effort

Georgia joined a group of 25 other states Wednesday that shares voter information and cancels registrations of voters who moved out of state or died. Secretary of State Brad Raffensperger said Georgia's participation in the Electronic Registration Information Center will keep voter lists accurate and prevent election fraud. "Joining ERIC is a tremendous step forward for the integrity of Georgia's voter rolls, keeping our lists up-to-date and bringing our state to the forefront of election security," Raffensperger said.

<https://www.ajc.com/news/state--regional-govt--politics/georgia-joins-multi-state-voter-registration-and-cancellation-effort/Z0yLAHuQLqH2KsmTPRh1aj/>

Nevada: State Passes National Popular Vote Bill in Bid to Upend Electoral College

The Nevada Senate approved Tuesday a National Popular Vote bill on a party-line vote, sending the legislation aimed at upending the Electoral College to the governor. Assembly Bill 186, which passed the Senate on a 12-8 vote, would bring Nevada into the National Popular Vote Interstate Compact, an

agreement between participating states to cast their electoral votes for the winner of the popular vote. If signed as expected by Democratic Gov. Steve Sisolak, Nevada would become the 16th jurisdiction to join the compact, along with 14 states and the District of Columbia. The compact would take effect after states totaling 270 electoral votes, and with Nevada, the total would reach 195. While the effort has been billed by organizers as bipartisan, Democrats have embraced the NPV in the aftermath of President Trump's 2016 victory, which saw the Republican win the electoral vote but not the popular vote.

<https://www.washingtontimes.com/news/2019/may/22/nevada-senate-passes-national-popular-vote-bill-pa/>

New Jersey: Law Enforcement Officials Investigating Possible Mail and Voter Fraud in Cedar Grove Town Council Election

Federal and state law enforcement officials are now involved in the Cedar Grove Town Council election over five vote-by-mail ballots improperly delivered to the Newark Post Office and brought forth by The Essex County Board of Elections. Election board officials received a letter from an employee at the Newark Main Post Office, which is open 24 hours, stating that a man entered the Post Office and had several ballots postmarked. The investigation involves the U.S. Attorney and Essex County Prosecutor, who are looking into possible mail and voter fraud. Councilman Harry Kumburis, who lost re-election in Cedar Grove by 33 votes on May 14, knocked on doors after 10 PM. on election night, allegedly targeting voters who hadn't returned a requested vote-by-mail ballot.

<https://www.tapinto.net/towns/verona-slash-cedar-grove/articles/law-enforcement-officials-investigating-possible-mail-and-voter-fraud-in-cedar-grove-town-council-election>

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New Jersey: Legislators Seek Law Change to Prevent Voting After Polls Close

Three legislators who represent Cedar Grove are introducing legislation that would prevent voters from returning vote-by-mail ballots after the polls have closed. The action comes days after Cedar Grove councilman Harry Kumburis was caught ringing the doorbell of a voter who had not returned a VBM ballot after 10 PM after losing the election by 33 votes in the May 14 non-partisan municipal election. The proposal seeks to repeal a section in New Jersey's new VBM law so that ballots filed after polls close on Election Day would not be counted. The legislators also want to increase the penalties for bearers who exceed the legal limit of three ballots.

<https://newjerseyglobe.com/legislature/legislators-seek-law-change-to-prevent-voting-after-polls-close/>

North Carolina: Democrats Turned to Cooper's Political Arm in Replacing State Elections Director

Gov. Roy Cooper said this week he didn't have any conversations about removing State Board of Elections Director Kim Strach, but his political operative worked with board Democrats as they lined up Strach's replacement. Former Board Director Gary Bartlett, who Strach replaced in the job shortly after Republican Gov. Pat McCrory took office in 2013, had input as well. In fact, Board Chairman Bob Cordle pitched him on returning to the job, but Bartlett turned it down. Bartlett suggested another name instead: Karen Brinson Bell, who had worked under him at the board 10 years before and was Transylvania County's elections director from 2011 to 2015. She and Bartlett both now work with a group that promotes "ranked choice" voting. Bartlett said the Cooper administration, through the governor's lead political strategist, Morgan Jackson, asked him for a name.

<https://www.wral.com/democrats-turned-to-cooper-s-political-arm-in-replacing-state-elections-director/18393529/>

Ohio: Legislation Would Require Paper Ballots for Future Elections in Ohio

An Akron lawmaker wants Ohio to start using paper ballots for its future elections. House Bill 204 would prohibit counties from acquiring so-called direct recording electronic (DRE) voting machines or any marking devices or automatic tabulating equipment that does not use a paper ballot. According to Ballotpedia.org, 18 states use paper ballots. Other states used a combination of voting methods, including DRE machines with and without a paper trail.

<http://bit.ly/2W1BILO>

Pennsylvania: Election Fraud Central? Half of Complaints Hail from Philly's 7th District, DA Says

More than half of the early Election Day complaints lodged with the Philadelphia District Attorney's Office stemmed from polling places in the 7th District, where Councilwoman Maria Quiñones-Sánchez and state Rep. Angel Cruz are locked in a heated battle. The first half of Tuesday's primary yielded 26 complaints to the DA's Election Fraud Task Force. As of 4:45 PM, about 15 of them came from the political wards—historically fraud-plagued—that make up the slice of North Philly many residents refer to as the barrio. Overwhelmingly, the complaints all alleged some form of electioneering, the most common grievance in contested races, according to DA spokesperson Cameron Kline. All complaints are being investigated by the office's field team, Kline said.

<https://billypenn.com/2019/05/21/election-fraud-central-half-of-complaints-hail-from-phillys-7th-district-da-says/>

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REDISTRICTING

Washington Times: Supreme Court Puts Ohio, Michigan Gerrymander Cases on Hold

The Supreme Court put two big political gerrymandering cases on hold Friday, ordering a halt to lower court rulings that had found legislative maps in Ohio and Michigan invalid. The justices said the halt will create space for an appeal of the lower court rulings. That also means the legislatures in Ohio and Michigan don't need to hurry to redraw maps to comply with the lower court decisions. Political gerrymandering, or drawing lines to maximize the political power of one party, is one of the hottest topics in the courts right now, and the justices already have cases pending dealing with the issue. It's expected that whatever they rule will also apply to Ohio and Michigan.

<https://www.washingtontimes.com/news/2019/may/24/supreme-court-puts-ohio-michigan-gerrymander-cases/>