



July 8, 2019

ACRU Election Integrity Bulletin

LEAD STORY

WSJ: How to Put Citizenship Back in the Census

The Trump administration said Wednesday it will attempt to add a citizenship question on the 2020 census while complying with the Supreme Court's ruling in *Department of Commerce v. New York*. Five justices held that the Census Act allows the question, but a separate five-justice majority found the rulemaking that added the question was procedurally deficient. There is a way forward. The Constitution itself requires the collection of citizenship information. The language is absolute and mandatory. Compliance is impossible without counting how many citizens live in each state. The President should issue an executive order stating that, to comply with the requirements of Section 2 of the 14th Amendment, the citizenship question will be added to the 2020 census. In addition, he can order the Commerce Department to undertake, on an emergency basis, a new Census Act rulemaking. Opponents would choose a federal district court likely to block it again, and the Justice Department would have to seek the Supreme Court's intervention during its summer recess. While rare, such an emergency review has happened before. With the justification for the citizenship question being clear and compelling, the administration should prevail.

<https://on.wsj.com/2Jq6W6b>

NATIONAL

Breitbart: Expert Debunks Claim Citizenship Question Reduces Census Accuracy

Contrary to left-wing news media claims, restoring the "citizenship question" to the national census will yield more accurate data related to both legal and illegal immigration, explained Hans von Spakovsky, a Heritage Foundation senior legal fellow. Democrats such as Reps. Rashida Tlaib (MI) and Ilhan Omar (MN) reject the Trump administration's move to restore inquiries regarding citizenship on the census. The former derided the idea as a "racialized" move that "impacts directly communities of color." The latter claimed that collection of citizenship data via the census will "increase fear" in "our communities." "I don't think the critics are correct, but in any event, even if they were correct, it wouldn't matter," said von Spakovsky. "And the reason it wouldn't matter is that the American people skip all kinds of questions on the census. There are a lot of people that resent being asked, for example, what race or ethnic group they are part of, and they have a non-response rate on those questions."

<https://www.breitbart.com/radio/2019/07/04/fact-check-expert-debunks-claim-citizenship-question-reduces-census-accuracy/>

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In Defense of the US Election Assistance Commission

For its stature as a small agency, the U.S. Election Assistance Commission (EAC) has made a lot of headlines over the years and, again, lately. Unfortunately, recent reports have been more politically driven and sensational than fact-filled and productive. It's time to set the record straight, especially since my own tenure here has been a primary focus for these attacks. No amount of political posturing or pontificating can erase the EAC's accomplishments. I am committed to serving election officials and voters and ensuring the EAC's mission is met. The EAC is relevant again and deserves to avoid political forces that disrupted the agency's effectiveness years ago. We've worked too hard to get here. Not only have we not outlived our mission, we're just getting started.

<https://thehill.com/opinion/campaign/451321-in-defense-of-the-us-election-assistance-commission>

STATES

California: Indictments Charge Widespread Voting Fraud Scheme on Skid Row in Los Angeles

An indictment unsealed in Los Angeles charged nine people accused of participating in voting fraud schemes—in which homeless people were allegedly offered cash or cigarettes in exchange for forged signatures on initiative petitions and voter registration forms. Seven of the accused pleaded not guilty early Friday. The two others have not yet appeared in court on the new case. Prosecutors have accused the group of 14 felonies for a variety of alleged acts during the 2016 and 2018 election cycles, including charges of circulating an initiative with forged or fictitious names, signing fictitious names, registering fictitious persons, and making payment for signatures, according to the indictment.

<https://www.nbclanageles.com/news/local/Indictments-Charge-Widespread-Voting-Fraud-Scheme-in-Los-Angeles-511971752.html>

California: Lawmakers' Request for Audit of California DMV Killed Despite Suspicion of Election Fraud

In January we learned that the Department of Motor Vehicles and county voter registrars told the California Secretary of State Alex Padilla last year that the Motor Voter program was not ready. The DMV and registrars asked Secretary Padilla to hold off on the rollout. But Padilla and the state went ahead anyway. The new system had not been properly checked, according to the county voter registrars. They had valid concerns, said Assemblyman Jim Patterson (R-Fresno). California's Motor Voter program has been plagued with problems since its rollout in April 2018. The Department has admitted mishandling voter registration information for 23,000 drivers and double-registering as many as 77,000 others. In addition to this, as many as 1,500 ineligible voters were registered by the DMV—including an unknown number of non-citizens. Also, over 500 Californians may not have been able to vote in the November 2018 election because the DMV did not send their information to the secretary of state's office in time. Patterson said his office is still getting reports from constituents whose party registration was changed after a visit to the DMV. "This is how ballot harvesting is happening," Patterson said. Last week Democrats on the JLAC committee declined to authorize an audit, despite concerns of voter fraud within the Motor Voter program.

<https://californiaglobe.com/section-2/lawmakers-request-for-audit-of-california-dmv-killed-despite-suspicion-of-election-fraud/>

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California: State Contemplates a Bill That Would Drastically Change Voting Laws For ‘Non-Citizens’

Legislators in Sacramento, California are contemplating allowing “non-citizens” to have a role in the Democratic Party. Sen. Scott Wiener (D-San Francisco) introduced a bill that would “allow non-citizens to become committee delegates, political activists who help shape policy for the Democratic Party of California,” KCRA-TV reported. Sen. Wiener cited his city as a reason to move forward with this state legislation. So far, no one has successfully challenged San Francisco’s voter laws that allow non-citizens to take part in local elections.

<https://townhall.com/tipsheet/bethbaumann/2019/06/29/california-contemplates-allowing-noncitizens-to-shape-the-democratic-party-n2549209>

Nevada: New Election Laws Impact Voters

Imagine not having to meet various deadlines to register to vote in Nevada. Instead, during early voting or even on Election Day, you can register and vote all at the same time. “And they are also going to be able to register to vote online from home during the early voting period and then go to the polling place and cast a ballot,” says Wayne Thorley, Nevada deputy secretary of state for elections. Same-day registration is just one of the many new laws Nevada’s secretary of state must contend with before the presidential election in 2020. The office is working on ways to connect the same-day registration, probably online, confirm it and place it in the system along with the votes cast. Thorley says on the local level it will mean a call for more poll workers. Voters can anticipate longer lines. On the downside, because as many as 30,000 to 40,000 Nevadans could take advantage of same-day voting, results from the elections may take longer to announce. Those ballots will be considered provisional on election night, and will be verified and counted over the course of several days.

<https://www.kolotv.com/content/news/New-election-laws-impact-Nevada-voters-512201122.html>

New Jersey: Hoboken Housing Authority Vice Chair Urges Council Candidates to Sign Pledge Against Voter Fraud

Vice Chair of the Hoboken Housing Authority James Sanford has called on all ward council candidates to sign a pledge against voter fraud and preying upon Hoboken Housing Authority residents in light of the recent conviction of Frank “Pupie” Raia. During the trial, witnesses testified that during a 2013 municipal election, at Raia’s direction, HHA residents were targeted in a vote-by-mail scheme in which residents who filled out vote-by-mail ballots in support of Raia and a rent control referendum he supported were paid \$50. In a press release Sanford, who has served as a commissioner on the Hoboken Housing Authority Board for the past six years, said Raia’s conviction proves illegal vote-buying operations targeting HHA residents exists and that “preying upon HHA residents must stop.”

<https://hudsonreporter.com/2019/07/04/hoboken-housing-authority-vice-chair-urges-council-candidates-to-sign-pledge-against-voter-fraud/>

New York: Mount Vernon Mayor Says Primary Election Was Rigged, Files Lawsuit

The mayor of Mount Vernon is claiming that the recent Democratic primary election was rigged and is calling for a new election to be held. Mayor Richard Thomas, the apparent loser in last Tuesday’s primary, has filed a lawsuit against the Board of Elections and his primary challengers. Shawyn Patterson-Howard garnered 33 percent of the votes on election night. Thomas trails by over 200 votes and 3 percentage points. These numbers don’t include absentee and affidavit ballots. The election has not been certified yet.

<http://www.news12.com/story/40735969/mount-vernon-mayor-says-primary-election-was-rigged-files-lawsuit>

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New York: Talk of Fraud in the Queens DA Race Is Just Undermining Democracy

With the result of the Democratic primary for Queens district attorney still up for grabs, all concerned should admit that there's no conspiracy at work here, just another of those near-tied elections that pop up from time to time. Yes, it was a surprise when the count of absentee and other ballots allowed Borough President Melinda Katz to close a 1,000-vote election night gap with public defender Tiffany Cabán—and even to take a 20-vote lead. But all the counting, and the calls on rejecting provisional ballots, were done in the open, with reps from the media and both campaigns present. For all its woes, the Board of Elections has a proven track record of maintaining fair and orderly recanvasses in tight races, such as Assemblyman Victor Pichardo's two-vote Bronx primary win in 2015, and David Storobin's 15-vote victory in a Brooklyn state senate special election. Without proof, neither side should be rushing to yell, "Election fraud!"—especially when everyone's watching a transparent process. Don't undermine democracy just because you don't like the results.

<https://nyp.st/2FXhlp8>

Oregon: Driver's Licenses for Undocumented Immigrants Won't Trigger Voter Registration

Undocumented immigrants will soon be eligible for Oregon driver's licenses, after a bill to allow the practice cleared the Oregon legislature Saturday. Those drivers, unlike others, won't be added to voter rolls under the state's 3-year-old "Motor Voter" law, however, thanks to confirmation practices already in place. Driver and Motor Vehicle Services spokesperson David House said there is no risk people without proof of citizenship or legal residency will get registered to vote by obtaining a driver's license. The DMV already requires all applicants to show proof of citizenship or legal residency to get a license. Only those who are citizens have their names and information

passed along to the secretary of state for potential voter registration. That practice will continue, House said.

<https://www.oregonlive.com/politics/2019/07/oregon-drivers-licenses-for-undocumented-immigrants-wont-trigger-voter-registration.html>

Oregon: Lawmakers Approve Paid Postage for Ballots

Oregon voters won't have to put a stamp on their ballot when they mail it back to elections officials, under a bill approved during the closing hours of the 2019 legislative session. Senate Bill 861 now heads to Gov. Kate Brown, who has expressed strong support for the proposal. Under the measure, ballot return envelopes would include pre-paid postage in the form of a "business reply mail" envelope. It means the ballots can be mailed from anywhere in the United States without needing a stamp. The U.S. Postal Service collects the money from the addressee, in this case county election offices, after it delivers a business reply envelope. Since vote-by-mail became the standard mechanism for voting in Oregon in 1998, voters have been able to drop their ballot off at no charge in drop boxes located in many communities around the state. The bill passed mostly along party lines, with Democrats in favor. One aisle-crossing opponent was Rep. Jeff Reardon, D-Happy Valley. "I can't get my head around the necessity of doing this," he said. "Stamps are pretty readily available." The bill will take effect in January 2020. The first election it applies to could be a special election that month if opponents to the new \$1 billion-a-year business tax for education are successful in gathering enough signatures to force a vote on the measure.

<https://www.oregonlive.com/politics/2019/07/oregon-lawmakers-approve-paid-postage-for-ballots.html>

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REDISTRICTING

Wisconsin: Federal Judges Dismiss Wisconsin Redistricting Lawsuit

A three-judge panel has dismissed a federal lawsuit challenging Republican-drawn legislative boundaries, following a weighty U.S. Supreme Court ruling. Democratic voters sued in 2015 alleging the boundaries unconstitutionally dilute Democrats' voting power. The U.S. Supreme Court ruled on June 28 that partisan gerrymandering claims don't belong in federal court. Lawyers representing the voters, the state and Assembly Republicans all filed motions on Friday seeking to dismiss the case. The three judges handling the lawsuit—Kenneth Ripple, William Griesbach and James Peterson—granted the motions Tuesday, saying there's now no chance the case can succeed in federal court. They also ruled that the state and Assembly Republicans can collect fees and costs from the voters and gave them until July 15 to submit a bill.

<https://dailyreporter.com/2019/07/03/federal-judges-dismiss-wisconsin-redistricting-lawsuit/>