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# Republican National Lawyers Association

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The Republican National Lawyers Association (RNLA) is the home of Republican lawyers in the Republican Party. The missions of the RNLA are advancing professionalism; advancing open, fair, and honest elections; advancing career opportunities; and advancing Republican ideals. Since 1985, RNLA has worked to ensure that elections are open, fair, and honest so that every eligible voter's vote is counted and ineligible votes are not counted.

The United States has the finest election system in the world and enjoys a proud position as the leading, longest lasting representative democracy in the world. Yet, there is always work to be done to improve the election system, and America is currently experiencing a crisis of confidence in its election system. A recent poll showed that a record-low 30% of Americans are confident in the "honesty of elections."<sup>1</sup>

While liberals and establishment Democrats continue to oppose the Presidential Advisory Commission on Election Integrity (EIC) and its work, the EIC is taking an important step to address this crisis of confidence in our election systems by studying the problem, inviting expert testimony, and encouraging public comments. Indeed, the EIC is engaging in exactly what one of the EIC's most vocal opponents, Senate Minority Leader Chuck Schumer, recently called for: a "public debate about these issues where experts can discuss policies like same-day registration as well as alleged voter fraud."<sup>2</sup>

By studying and taking seriously the problems and perception of problems in our election system, the EIC has an unparalleled opportunity to improve the public's confidence in the process and outcomes of elections with the goal of *increasing* voter turnout, for *all* eligible voters. The RNLA thanks the EIC and its commissioners for undertaking this important work.

While some citizens will always vote and some citizens will never vote, for many citizens whether they turn out to vote depends on the candidates and issues on the ballot and whether they believe their vote counts and will make a difference. Despite the hyperbolic rhetoric, studies and polls consistently show that election integrity is important to the American people and that greater election integrity will likely lead to greater voter confidence and turnout:

- An August 2016 Gallup poll found that 80% of Americans, including 77% of minorities and 63% of Democrats, support requiring photo ID prior to voting.<sup>3</sup>
- The Gallup poll found that 68% of Americans view ballots cast by ineligible voters as a problem.<sup>4</sup>
- An August 2017 Rasmussen Reports poll found that 70% of likely voters support requiring photo identification prior to voting.<sup>5</sup>
- Voter ID requirements have been associated with higher turnout (or at a minimum, no effect on turnout):
  - In 2016, many states with voter ID laws saw record turnout.<sup>6</sup>

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<sup>1</sup> Gallup, "Update: Americans' Confidence in Voting, Election," Nov. 1, 2016, <http://www.gallup.com/poll/196976/update-americans-confidence-voting-election.aspx>.

<sup>2</sup> Chuck Schumer, "After Charlottesville, It's Time to End the Assault on Voting Rights," *Medium*, Aug. 24, 2017, <https://medium.com/@SenSchumer/after-charlottesville-its-time-to-end-the-assault-on-voting-rights-2afe5134097f>.

<sup>3</sup> Gallup, "Four in Five Americans Support Voter ID Laws, Early Voting," Aug. 22, 2016, <http://www.gallup.com/poll/194741/four-five-americans-support-voter-laws-early-voting.aspx>.

<sup>4</sup> *Id.*

<sup>5</sup> Rasmussen Reports, "Most Still Favor Voter ID Laws," Aug. 10, 2017, [http://www.rasmussenreports.com/public\\_content/politics/general\\_politics/august\\_2017/most\\_still\\_favor\\_voter\\_id\\_laws](http://www.rasmussenreports.com/public_content/politics/general_politics/august_2017/most_still_favor_voter_id_laws).

<sup>6</sup> Associated Press, "Va. Voter Turnout Higher Than Expected," *WBOC16*, Mar. 2, 2016, <http://www.wboc.com/story/31361729/va-voter-turnout-higher-than-expected>; Chris Parenteau, "Record Georgia turnout for Trump, Clinton," *News4Jax.com*, Mar. 1, 2016,

- Wisconsin has seen a steady increase in turnout since the enactment of its voter ID law.<sup>7</sup>
- A 2006 study by John Lott, one of the experts testifying before the EIC on September 12, found that voter turnout in Mexico increased after adoption of a very strict voter ID law.<sup>8</sup>
- Criticizing serious bias in a widely reported study that purported to find voter ID laws decreased turnout, a March 2017 study by distinguished university professors found that “no definitive relationship” could be established between voter ID laws and turnout based on existing data.<sup>9</sup>

Voters—of every party, race, economic status, and age—realize what is often not reported in the media or acknowledged by pundits: ineligible votes disenfranchise voters. Every ineligible vote cast cancels out the vote of an eligible voter. Every instance of fraud negates the thoughtful vote of an eligible voter who took the time to research the candidates and issues and go to the polls. Voters know this and are understandably upset at the thought that their voice in the democratic process and their power in our system of government of the people, by the people, and for the people could be so easily silenced.

Recent news also demonstrates the importance of election integrity, that every vote counts, and that the EIC’s inquiry into what can be done to improve our election systems is desperately needed:

- 1,852 non-citizens who were removed from the voter rolls in the past six years in Virginia had voted, casting 7,474 total illegal ballots.<sup>10</sup> The 2013 attorney general’s race was won by just 907 votes after a recount (165 on election night).<sup>11</sup>
- In July, Broward County, Florida, Democrat Supervisor of Elections Brenda Snipes admitted that non-citizens and ineligible felons do vote in “major elections” despite not being eligible, often as a result of the flood of new voter registrations submitted by groups directly before elections.<sup>12</sup>
- In what is a common story in elections, an investigation by the State Attorney’s Office in Palm Beach County, Florida, into the 2016 Democratic primary found clear evidence of absentee ballot fraud, but the case was dropped for lack of a suspect.<sup>13</sup>
- Rhode Island recently announced that it has found and is in the process of removing 150,000 inaccurate voter registration records in a state with a voting age population of 842,321.<sup>14</sup>

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<https://www.news4jax.com/news/elections/georgia-voters-head-to-polls-in-big-numbers>; Ellen Ciurczak, “Officials report solid turnout, no big problems,” *Hattiesburg American*, Mar. 8, 2016, <http://www.hattiesburgamerican.com/story/news/politics/elections/2016/03/08/officials-report-solid-turnout-no-big-problems/81450330/>; Kathleen Gray and Todd Spangler, “Turnout in presidential primary breaks 1972 record,” *Detroit Free Press*, Mar. 8, 2016, <http://www.freep.com/story/news/politics/2016/03/08/michigan-presidential-primary-turnout/81502754/>; Richard Locker, “Heavy turnout statewide may set a record for Tennessee’s presidential primary,” *Knoxville News Sentinel*, Mar. 1, 2016, <http://archive.knoxnews.com/news/state/heavy-turnout-statewide-may-set-a-record-for-tennessees-presidential-primary-2d04890a-9705-1f79-e053-370740401.html/>.

<sup>7</sup> Christian Schneider, “A bad day for voter ID opponents,” *Milwaukee Journal Sentinel*, Feb. 17, 2016, <http://archive.jsonline.com/blogs/news/369071011.html>; Jessie Opoien, “Meet the expert witnesses testifying in Wisconsin’s federal voter ID trial,” *The Cap Times*, May 24, 2016, [http://host.madison.com/ct/news/local/govt-and-politics/election-matters/meet-the-expert-witnesses-testifying-in-wisconsin-s-federal-voter/article\\_54acd20d-e497-59c1-94b6-ea9c84206f4c.html](http://host.madison.com/ct/news/local/govt-and-politics/election-matters/meet-the-expert-witnesses-testifying-in-wisconsin-s-federal-voter/article_54acd20d-e497-59c1-94b6-ea9c84206f4c.html).

<sup>8</sup> John R. Lott, Jr., “Evidence of Voter Fraud and the Impact that Regulations to Reduce Fraud have on Voter Participation Rates,” Aug. 18, 2006, [https://www.researchgate.net/publication/228129273\\_Evidence\\_of\\_Voter\\_Fraud\\_and\\_the\\_Impact\\_that\\_Regulations\\_to\\_Reduce\\_Fraud\\_Have\\_on\\_Voter\\_Participation\\_Rates](https://www.researchgate.net/publication/228129273_Evidence_of_Voter_Fraud_and_the_Impact_that_Regulations_to_Reduce_Fraud_Have_on_Voter_Participation_Rates).

<sup>9</sup> Justin Grimmer, et al., “Comment on ‘Voter Identification Laws and the Suppression of Minority Votes,’” Aug. 7, 2017, [http://stanford.edu/~jgrimmer/comment\\_final.pdf](http://stanford.edu/~jgrimmer/comment_final.pdf).

<sup>10</sup> Public Interest Legal Foundation and Virginia Voters Alliance, “Alien Invasion II: The Sequel to the Discovery and Cover-up of Non-citizen Registration and Voting in Virginia,” May 2017, <https://publicinterestlegal.org/files/Alien-Invasion-II-FINAL.pdf>.

<sup>11</sup> Laura Vozzella and Ben Pershing, “Obenshain concedes Virginia attorney general’s race to Herring,” *The Washington Post*, Dec. 18, 2013, [https://www.washingtonpost.com/local/virginia-politics/obenshain-to-concede-virginia-attorney-generals-race-on-wednesday-in-richmond/2013/12/18/fe85a31c-67e7-11e3-8b5b-a77187b716a3\\_story.html](https://www.washingtonpost.com/local/virginia-politics/obenshain-to-concede-virginia-attorney-generals-race-on-wednesday-in-richmond/2013/12/18/fe85a31c-67e7-11e3-8b5b-a77187b716a3_story.html); Virginia Dept. of Elections, Elections Database: 2013 Attorney General Election, <http://historical.elections.virginia.gov/elections/view/43839/>.

<sup>12</sup> Larry Barszewski, “Broward elections supervisor makes changes after being sued,” *Sun Sentinel*, July 31, 2017, <http://www.sun-sentinel.com/local/broward/fl-sb-broward-election-supervisor-testifies-20170728-story.html>.

<sup>13</sup> Lawrence Mower, “EXCLUSIVE: Voter fraud in Palm Beach County: State attorney finds crimes, but no suspect,” *Palm Beach Post*, July 23, 2017, <http://www.mypalmbeachpost.com/news/exclusive-voter-fraud-palm-beach-county-state-attorney-finds-crimes-but-suspect/buShkHum7thKuTKE8F69QO/>.

<sup>14</sup> Paul Edward Parker, “150,000 names erroneously on R.I. voting lists,” *Providence Journal*, June 28, 2017, <http://www.providencejournal.com/news/20170628/150000-names-erroneously-on-ri-voting-lists>; U.S. Census Bureau, Voting Age

- In a March 2017 special election in Philadelphia, there were allegations of illegal electioneering, nonvoters following voters into polling booths, and poll workers impermissibly assisting voters to vote for the poll worker’s preferred candidate. This was all part of a successful effort to elect a Democratic write-in candidate in a heavily Democratic district—where no cheating was necessary for the write-in candidate to prevail—after the Democratic candidate on the ballot was disqualified for not living in the district.<sup>15</sup>

Protecting the integrity of our elections is vital for not only protecting the accuracy of election outcomes but also for encouraging public confidence in our election system. The EIC’s study of the election system and recommendations for improvement will assist state and local election officials as they administer one of our most important institutions.

If you have any questions, please contact Michael Thielen at [thielen@republicanlawyer.net](mailto:thielen@republicanlawyer.net) or 202-802-0437.

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Population: Rhode Island, Apr. 19, 2016, [https://www.census.gov/library/visualizations/2016/comm/voting\\_age\\_population/cb16-tps54\\_voting\\_ri-social.html](https://www.census.gov/library/visualizations/2016/comm/voting_age_population/cb16-tps54_voting_ri-social.html).

<sup>15</sup> Chris Brennan, “Republicans and Green Party to judge: Hold a new 197th District election,” *The Inquirer*, Apr. 6, 2017, <http://www.philly.com/philly/news/politics/Republicans-and-Green-Party-to-judge-Hold-a-new-197th-District-election.html>; Julia Terruso, “City, state GOP to join lawsuit challenging special election results,” *The Inquirer*, Mar. 30, 2017, <http://www.philly.com/philly/news/politics/city-state-GOP-to-join-lawsuit-challenging-special-election-results-197th-Vazquez-Acosta.html>.