



# **CENTER FOR ELECTION INTEGRITY**

*Every Legal Vote is Equal to Every Other Legal Vote, Not More, Not Less*

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By: Ken Blackwell and Hogan Gidley

The foundation of the American system of self-governance is liberty. The core expression of the people's liberty is the ability to cast their ballot in free and fair elections. As best said by Samuel Adams, "Let each citizen remember at the moment he is offering his vote...that he is executing one of the most solemn trusts in human society for which he is accountable to God and his country" ([Adams, 1781](#)).

In this way, safeguarding faith in the integrity of our elections is nothing less than safeguarding the future of our Republic. America First Policy Institute's (AFPI) Center for Election Integrity (CEI) aims to protect just, legal, transparent, and fair elections while recognizing that states—not the federal government—are best situated to determine voter eligibility, registration, election day processes, and voter roll management.

Then-Governor Ronald Reagan posed an important idea in his famous 1964 campaign address on behalf of Barry Goldwater. In it, he asked Americans whether "we believe in our capacity for self-government or whether we abandon the American Revolution and confess that a little intellectual elite in a far-distant capital can plan our lives for us better than we can plan them ourselves" ([Reagan, 1964](#)). States must be supported in their efforts to ensure fair elections while avoiding rampant politicization and lack of transparency that come with centralizing power at the federal government level.

Today, Americans must ask themselves the same question Reagan posed as advancements in technology, social media, and mobility have all affected how Americans cast ballots. Central to this, however, is that although these advancements have benefited our lives, they must not become excuses to dismiss the guardrails that keep our elections safe and secure.

We believe that every eligible voter should have the opportunity to cast one ballot at one time, that is counted once. Anything that fails this simple test is a failure of the system, and the people responsible for that system should and shall be held accountable. One fraudulent vote, or one administrative mistake, is one too many when it comes to protecting each sacred vote.



## WHERE IS AMERICA NOW

In the last 2 decades, the United States has faced many tumultuous elections, disgraced by concerns of fraud and disenfranchisement, culminating in a lack of trust in our institutions, elections, and elected leaders. Because of the coronavirus pandemic, the 2020 election underwent a series of abrupt and dramatic changes, dismissing constitutional guardrails, altering not just how Americans vote but how elections are conducted, and obliterating the accountability of state and local government officials in their duty to perform legal, safe, and secure elections free from outside and private interests. These changes led to a flurry of legal activity—including thousands of affidavits swearing fraudulent behavior—with little sense of transparent resolution to ease voter concerns or address underlying injustices.

- *States Change the Rules:* In 2020, states convened emergency special sessions as privately funded, targeted grants resulted in abnormal “guidance” documents, and more than 30 states amended their voting rules ([Ballotpedia, 2021](#); [Genetski v. Benson, 2020](#); [Scanlan, 2020](#); [State of Idaho, 2020](#)). Some of these changes resulted in waiving regulations such as mandatory witness signatures and implementing automatic voter registration. Given the lack of oversight accompanying their implementation, these contentious policies led many voters to question the integrity of the election process, while the lack of transparent resolution to these questions has resulted in a loss of confidence by nearly 60 percent of American voters ([Rasmussen, 2021](#)).
- *The Long Fight for Fair Elections:* Even before many of the changes in the 2020 election, both political parties shared concerns regarding the validity of the process, manifesting itself as a bipartisan commission. The Commission on Federal Election Reform (Carter-Baker Commission), formed after the 2000 election debacle sought specific recommendations to avoid future crises ([Building Confidence in U.S. Elections, 2005](#)). Many of these recommendations were pushed aside throughout the 2020 Election Cycle.

Our representative government is part of what makes America unique. The longer we allow guardrails for equitable, transparent, and honest elections to be pushed aside for any reason whatsoever, the larger the threat looms that our Nation will lose this part of our heritage and undermine our very existence as a government elected by and for the people.

## WHY AFPI IS ESSENTIAL

AFPI provides practical ideas that place the American people and federalist principles first. AFPI is positioned to disseminate this information across the Nation to assist in all efforts to protect the most basic tenant of our Republic: free and fair elections. In addition, AFPI can bring other groups committed to election integrity together to marshal data, information, and resources to help achieve this very basic American goal.

The innovation of the Declaration of Independence is its mandate for a system of government and a country governed by the People. The thesis of Jeffersonian democracy is best summarized in his statement, “Governments are instituted among Men, deriving their just powers from the consent of the governed” ([U.S., 1776](#)). To enjoy our sacred liberties, Americans must promote this view of a constitutional republic. It is central to the American identity and a cornerstone of the philosophies of our heritage. Realizing its worth, however, our founders also understood its fragilities.



Our Nation's 2 centuries of advancements in elections—technology, mobility, and tremendous growth—are ones that our Founders could not have possibly anticipated. CEI aims to restore Americans' trust in our election system while recognizing and respecting that each state has independence in how its elections are run and ultimately taking an evidence-based, holistic approach to shaping policies that support transparent and fair elections. AFPI supports every legally registered American voting, but to vote once and have that vote counted only once.

## **POLICY PRIORITIES**

AFPI looks to take a holistic, evidence-based approach to ensure free and fair elections, with the underlying belief that each component is necessary to maintain the integrity of our Republic:

### *VOTER ROLLS:*

Accurate voter rolls are federally required per the National Voter Registration Act of 1993 (NVRA) ([52 U.S. Code § 20507](#)). The United States Department of Justice, Office of Civil Rights, holds the responsibility of ensuring that states are compliant with all provisions of NVRA. Despite these federal requirements, a Pew Research study from 2012 found that approximately 24 million voter registrations are invalid or significantly inaccurate. More alarming is that according to the same report, over 2.74 million people at the time were registered to vote in more than one state ([Pew Research, 2012](#)).

One can think of voter rolls like a payroll. If an employee joins an organization, that individual must fill out paperwork to be added to the payroll. Once the individual leaves the company, the company takes proactive measures immediately to update the payroll, so the employee is no longer being compensated. In the same manner, states must proactively keep their voter rolls current and accurate to maintain the integrity of our elections. Voter rolls should include only United States citizens, individuals with proven state and precinct residency, and be 18 years or older.

Accurate voter rolls are critically important. Without them, almost every other procedure of an election is made less secure as extreme caution and subsequent thorough audits for valid ballots become a costly consequence for early negligence in the accuracy of voting rolls. This was evident in the 2020 election as states bypassed existing laws and mailed live ballots to every voter on a voter roll through the regular mail postal system, regardless of whether that person requested a ballot. As such, the process of mail ballot applications and the identification process used to prevent fraud was commandeered under the guise of a public health emergency. The following two examples showcase the consequences of unsolicited mass-mailed ballots. Suppose the federal government wants to continue this policy of dismantling the guardrails and providing ballots to anyone on an outdated and faulty voter roll. In that case, there will continue to be a deterioration in confidence among Americans that their vote is precisely equal to the next vote.

In Nevada, the consequences for not maintaining accurate voter rolls were evident. According to a Public Interest Legal Foundation report, 92,000 ballots went to the wrong address in the 2020 election ([Public Interest Legal Foundation, 2021](#)). That equates to 92,000



opportunities to dilute the value of legitimate votes by legitimate voters because of a flawed process and inaccurate voter rolls.

Moreover, according to a 2020 lawsuit by the watch group Judicial Watch, Colorado's voter rolls have been highly mismanaged, often sending ballots to ineligible voters. The lawsuit found that nearly two-thirds of Colorado's counties had a voter registration rate over 100 percent, making it the most fraud-ridden state in the Nation ([Judicial Watch, 2020](#)). The gross mismanagement of voter rolls opened up the state to the potential of fraud as the group also notes that in some counties, more than one in six registrations belonged to an inactive voter.

One remedy to these issues is for states to implement a system similar to Ohio's interpretation of NVRA. The United States Supreme Court in *Husted v. A. Philip Randolph Institute* (2018) found Ohio's system complied with NVRA provisions. Ohio implemented a process that purges voters who have not confirmed proof of address and have not voted in several elections—which has already withstood scrutiny by the United States Supreme Court ([Husted v. A. Philip Randolph Institute, 2017](#)). In the case, respondents contended that Ohio's process for removing voters on change-of-residence grounds violated federal law. According to the case:

“The Ohio process at issue relied on the failure to vote for two years as a way of identifying voters who may have moved. It sent the nonvoters a preaddressed, postage prepaid ‘return card,’ and asked them to verify that they still resided at the same address. Voters who did not return the card *and* failed to vote in any election for four years were presumed to have moved and were removed from the voter rolls” ([Husted v. A. Philip Randolph Institute, 2017](#)).

The argument that purging voter rolls after an individual is given notice and fails to participate in several elections (in Ohio, it is 6 cycles) somehow disenfranchises voters simply does not hold up when balanced with the need for accuracy and the new reality that these voter rolls are being used to send actual live election ballots, not just ballot applications or election information in some states. Loopholes for fraud are closed by ensuring voters have notice before being removed. By implementing intentional processes, like the process in Ohio, which comply with the federal law, rolls will be accurate and create a solid foundation for election integrity.

#### *LEGISLATION:*

As a general matter, state legislators are in the best position to set election laws and procedures given their proximity to the people who can hold them accountable and their greater knowledge of and responsiveness to local needs, constraints, and capabilities. Only in specific instances throughout U.S. history has Congress inserted itself in state election law. Massively reformative, the passage of the Civil Rights Acts created some of the earliest federal oversight into state election policy to protect against discrimination in voting. This was first outlined by the [Civil Rights Act of 1870](#) and later amended by the Civil Rights Acts of [1957](#), [1960](#), and 1964. One year later, the [Voting Rights Act of 1965](#), signed by President Lyndon B. Johnson, permitted federal authority to register eligible voters and aimed to prohibit voter discrimination based on race, color, or membership in a language minority group. Later, the National Voter Registration Act (NVRA) of 1993, enacted by President Bill Clinton, took advantage of the new federal authorities and enacted broad changes to voter registration and list maintenance.



These pieces of legislation represent the broadest reach of federal authority into elections enacted in U.S. history until the changes made in the 2020 election cycle and the subsequent Congressional the current efforts made in the 117th Congress, threatening the rights of all voting Americans.

States must maintain control and oversight of their elections. Such efforts to do so should always be in the interest of the rights of the voter and equal enforcement of written laws. As such, efforts to strengthen voter identification (ID). What becomes disconcerting to the general public is that many of the issues during the 2020 election were not new issues. Instead, many of the problems have been occurring to some degree for at least the past 2 decades, resulting in continual cycles of debate and inaction. Policies like proof of identity for absentee voting, clean voter rolls, control to elected state legislatures, localizing elections to the greatest extent possible, and the duration of early voting have been marred by accusations of voter suppression depending on which political party holds power. Americans' faith in their election systems should not be dependent upon which party is in control.

Additionally, much of the current legislation debated by Congress centers around the argument that mass mail-in balloting is needed to enfranchise those considered disenfranchised. However, some evidence disputes it. For example, one study that did a statistical analysis of voter turnout data from the 2004 and 2008 presidential elections found that early voting by itself is associated with lower voter turnout because of how it dilutes the "stimulation" effects of election day ([Burden et al., 2013](#)). This study is consistent with previous analyses that found no evidence of a lasting increase in turnout from early voting ([Morin, 2013](#); [Rakich, 2019](#)), although the research is mixed ([Kaplan & Yuan, 2020](#)). Yet, during the 2020 election, Colorado Secretary of State Jena Griswold reported that the increase in early voting turnout in the 2020 general election was at least 24 times that of 2016, or a 2,377 percent increase ([Castronuovo, 2020](#)). This comes despite the state's use of mail-in voting since 2013.

Recent state legislative efforts have had many successes, despite their unequal treatment by critics and the media. Backlash against Georgia's S.B. 202 has come at the cost of nearly \$100 million to the state as they continue to lose corporate business. However, Kentucky's recently passed legislation signed by Governor Andy Beshear (D) penalizes ballot harvesting and allows election officials greater oversight into cleaning voter rolls—measures that hold some promise to improve the accuracy of legal vote counts, despite the bill's expansion of early voting ([Schreiner, 2021](#)). This logically inconsistent messaging signals that a genuine interest in enfranchising constituents may not be the driving motivation of the selective progressive critique of election security efforts when undertaken by political adversaries.

#### *PROCEDURE:*

First and foremost, outlawing private entities to use grants which usurp governmental authority and illegally alter our election procedures must be a priority for ensuring election integrity and is essential in providing states proper control over the way their elections are run.

- In the 2020 election, thousands of local and state governments applied for and received grants from a private organization to assist in ballot collection and counting despite the federal allocation of funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, passed in March 2020. These private grants came



with strings attached and were funded with the blessing of Facebook CEO Mark Zuckerberg. As such, election officials were told exactly how they could use the funds ([Carlson, 2020](#)).

- In 2020, certain cities and counties were operating under the rules and regulations of the private entities, not necessarily the laws, rules, and procedures in their state or locality ([Carlson, 2020](#)).
- During the 2020 campaign cycle, votes were all but purchased through illegal bribery as they offered tribal leaders and some Native Americans Visa gift cards, gifts, and jewelry in exchange for voting ([Bedard, 2020](#)).
- The privatization of elections has led to local officials' usurpation of power, giving private individuals the authority to run elections ([Carlson, 2020](#)).

Case in point: In the 2020 election, outside interests used state government election officials to do their political work. This pollution of the American election system is now referred to as "Zuckerbucks" ([Steel, 2021](#)). Sending private dollars from a foundation directly to the government entities that run elections required to be impartial resulted in a corruption of the system at worst and certainly undercuts public confidence in the election system. Under the guise of protection from COVID-19, money from the Zuckerberg Foundation in the millions was sent to local government election entities. Only because of specifically requested Freedom of Information Act (FOIA) requests, we now see most of this money was not spent on PPE. It was spent by the government turning out the vote and doing so only in certain areas and among certain voters. For example, \$10 million was given in Philadelphia, and only \$225,00 was used on PPE. The rest was spent turning out the vote in certain areas. It is not the job of the government to accept private money to do their bidding. We need to close this loophole now and hold accountable those elected officials who allowed themselves to be compromised.

#### *LITIGATION:*

- Even a single fraudulent vote is a disruption to the integrity of our system, so because of this, prosecuting every single incident of fraudulent voting is critical.
- Even a single administrative error undercuts the integrity of our system. There is a need to hold our election officials and state and local governments accountable for handling ballot counting and drive common-sense transparency into every step of the process.
- States need to be prepared for litigation in the case of broad-sweeping one size fits all federal voting legislation passage as it will ultimately be up to the United States Supreme Court to interpret the appropriate balance of congressional authority to dictate to the states' election law.

One of the greatest issues of the 2020 election was the lack of transparency and the ability for questions to be answered. At many inflection points, courts abdicated their responsibility to hear election fraud cases either on standing grounds or, after it was too late, that the issue was moot. Litigation is the most significant opportunity and, in many cases, the only recourse for U.S. voters to obtain the answers and transparency they are entitled to. As of February 2021, at least 13 active suits were pending in Georgia, with many still being filed as new evidence of fraud is uncovered ([Wickert, 2021](#)).

Since then, however, states have aggressively pursued efforts to maintain the integrity of their elections in the Supreme Court. In Arizona, the Democratic National Committee sued



the state following the state's passage in 2016 of H.B. 2023 banning a ballot harvesting provision relating to out-of-precinct voting as both discriminatory and created with racial motivations. In the majority opinion of *Brnovich v. Democratic National Committee* (2021), the Supreme Court held that neither of these provisions violated the Voting Rights Act of 1965 or were otherwise discriminatory. Because of this, there is now a precedent set for states to enact laws that protect a voter's right to privacy and ability to cast a legal ballot without undue external influence.

## STRATEGIC APPROACH

State and federal election laws exist to protect every legal vote. For Americans to regain confidence in their elections, grassroots promotion must work proactively and aggressively to combat attempts to defraud our fragile system into one which can be bought and sold to the highest bidder.

Federal Policy: Despite the loss of confidence in the fallout of the 2020 election cycle, there have been concerted efforts by the federal government to profoundly change the way elections are conducted by asserting federal control over all state elections. Beginning with the election omnibus bill misnamed "For the People Act"—H.R. 1/S. 1—the blueprint for removing the security guardrails around our election system was laid ([For the People Act, 2021](#)). While the effort did not pass the Senate, continual efforts persist intending to take authority from the states by superseding their regulations and planning to:

- automatically register citizens and illegal immigrants even if you change your address or apply for welfare as well as prisoners upon their immediate release,
- protect undocumented illegal aliens from consequences if they do vote,
- allow voters to change their information at the voting booth as well as allows same-day registration,
- actively restrict states from removing ineligible voters from their voter rolls,
- create mandatory counting of all provisional ballots,
- create a mandatory option of early voting,
- establish universal mail-in balloting,
- prohibit voter ID even for absentee ballots,
- create a mandatory period for ballot curing,
- allow ballot harvesting, and
- bolster the role of the Election Assistance Commission to allow them to enter into contracts with private entities.

Should these provisions ever be enacted, American elections would cease to represent the will of the People but a route for the highest bidder to control federal elections in every state. Polling has shown that many of these provisions are vastly unpopular with the general public. Policies such as photo identification and signature verification have broad support, and efforts to strengthen this requirement have been largely successful in state legislatures. Recent polling has shown that 80 percent of Americans support voter ID in some form, indicating that most people view this as a simple, easily accessible tool to ensure fairness in our elections despite politicized polarization. However, ongoing efforts persist in lowering the voting age (which is opposed by nearly two-thirds of Americans), granting suffrage to non-citizens residing legally in the United States (opposed by 59 percent of Americans), or providing felons in prison or on parole the ability to vote ([BigDataPoll, 2021](#)).



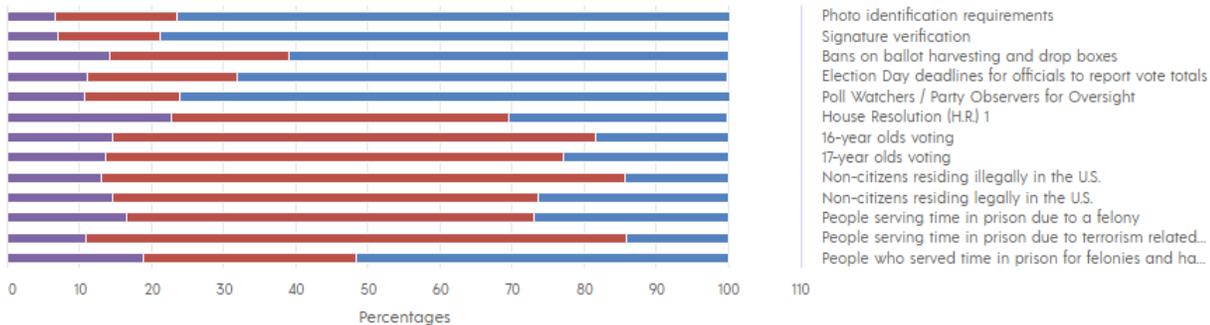
## Election Integrity and Reforms



Q1 - Q6: Do you support or oppose the following election reforms and procedures?

Q7 - Q13: Do you support or oppose each of the following groups being granted the right to vote in national elections?

■ Support ■ Oppose ■ Unsure



Source: Public Polling Project Early Spring 2021

Big Data Poll

State policy: Presently, states are given broad authority over their elections, pursuant to Article I, Section 4 of the U.S. Constitution:

*The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of choosing Senators.*

Because of this, partnering with states is a priority for ensuring election integrity as hundreds of bills are currently being considered in state legislatures. Their rights to keep their authority must be aggressively protected.

Directly in response to the chaos of the 2020 elections, 49 states have approximately 400 bills as of July 14 which address election laws and procedure reforms aiming to give their constituents faith their elections are secure, fair, and are properly secured ([Brennan Center, 2021](#)). While some of these have been enacted—for instance, the Iowa Senate File 413, which changes polling place closing time from 9:00 pm to 8:00 pm, alters the voter registration deadline to 15 days before an election, and shortens the time for applying for an absentee ballot among other provisions—they are quickly facing litigation from well-funded private organizations ([Senate File 413, 2021](#)). The law, described in the media as “sweeping reform,” immediately faces court challenges filed by the League of United Latin American Citizens of Iowa and represented by *Democracy Docket’s* Mark Elias.

In Georgia, Governor Brian Kemp signed Senate Bill 202, which includes broad reforms progressive lawmakers and corporations have criticized. In reality, the law instituted a range of reforms to improve election integrity. For instance, it requires mail-in voters to include driver's license numbers or other documentation to verify their identities rather than signature verification while providing that it is free for registered voters to obtain an ID. Moreover, it brings uniformity to issues such as how many drop boxes each county may have, mandating that they can be located only inside election offices and early voting locations to prevent tampering. The bill also shortens the window to request absentee ballots and puts in place changes aimed at reducing long waiting lines.



While these provisions represent successful steps toward secure election reform, the bill included massive shortcomings. The legislation allows for a state election board to usurp the power of county election boards, thereby centralizing the state's election and taking away their localities' control ([GA-SB 202, 2021](#)). Such centralization could undermine efforts to have local accountability and transparency truly to empower citizens.

However, immediately filed progressive lawsuits have taken advantage of the positive aspects of the bill that focus on securing elections, and opposition to the changes have been brought by the American Civil Liberties Union (ACLU), Southern Poverty Law Center (SPLC), National Association for the Advancement of Colored People (NAACP) Legal Defense Fund, and others on behalf of the Sixth District of the AME Church, Georgia Muslim Voter Project, Women Watch Afrika, Latino Community Fund of Georgia, and Delta Sigma Theta Sorority ([Sixth District of the African Methodist Episcopal Church, et al. v. Brian Kemp, et al., 2021](#)). A second suit was filed on behalf of the Georgia NAACP, Georgia Coalition for the People's Agenda, League of Women Voters of Georgia, GALEO Latino Community Development Fund, Common Cause, and the Lower Muskogee Creek Tribe ([Georgia State Conference of the NAACP, et al. v. Brad Raffensperger, et al., 2021](#)).

As John Adams foreshadowed, "Fear is the foundation of most government"; one must opine as to why there would be such concern regarding identifying legal voters and bolstering safeguards to make it more difficult to cheat" ([Adams, 1776](#)).

Public engagement: The consent of the governed is a central part of the American identity. Because of this, citizens must always be cognizant of governmental efforts promoting overreach, thus threatening their rights and liberties. As such, social media and grassroots campaigns to encourage Americans to be aware of their rights and procedures, keeping their state legislators and congressional representatives accountable for upholding the law and representing their constituents are of the utmost importance.

## WHAT THIS MEANS FOR AMERICANS

The current debate raging over voting laws has taken a central role in U.S. policy not seen in decades. While the focus of American politics has shifted away from a local orientation and toward a national one, progressive groups have found a new opportunity to redefine how states run their elections. They have undertaken aggressive and tactical efforts to push their agenda, having broad effects on American lives. Formally known as the Colorado Model, donors have been funding non-profit groups such as the Center for Tech and Civic Life or Democracy Docket to advocate on their behalf. In the case of Democracy Fund, they have relied on proactive investigative legs to seek out conservative action and pursue lawsuits within hours or days of a policy motion.

This model has worked exceptionally well for these special interests. For instance, on March 8, 2021, Iowa Republican Governor Kim Reynolds signed Senate File 413, a bill that changed absentee voting, election day voting times, and voter roll maintenance (previously discussed). One day later, Democracy Docket filed a lawsuit in complaint of the bill ([League of United Latin American Citizens of Iowa v. Iowa Secretary of State Paul Pate, 2021](#)).

Once many of these reforms are implemented, they are incredibly tough to remove. Moreover, the prosecution of fraud is extremely difficult, even in cases where it seems obvious ([Fessler, 2007](#)). Because of this, conservative efforts to advocate for safeguarding



measures like voter ID requirements have been far slower and less organized than many of the efforts of their counterparts, and with the onset of a global pandemic to rationalize many of these policies, the pace at which election laws are being irredeemably changed has quickened exponentially. As part of a strategy for success, the CEI seeks to emphasize the pitfalls of progressive voting systems and their implication on Americans.

The goal should be to ensure a level playing field and that every vote counts the same as the next vote. Many of these “so-called reforms” by progressive groups are the exact opposite. They seek to game the system and reduce each vote’s value by allowing more opportunity for those not eligible to vote to cast a ballot. It truly is a demonstration of winning at all costs, even at the expense of our American democratic voting system.

## **SUMMARY**

Every legally cast vote should be equal. Any single legally registered voter should receive one valid ballot, cast privately, and without undue influence, that is counted one time. Any procedures which do not preserve the sanctity of this system threaten the preservation of our Republic and shudder the representation of the American people. To that end, we support efforts that have been shown to secure our elections, such as voter ID for in-person voting and mailed ballots; thorough and constant cleaning of voter rolls; the banning of private funding for election procedure or protocol; and transparency at every level. Guaranteed freedoms have been seized from the American people and redistributed to private sector oligarchs who seek to redefine our way of life without consent.

The road back to election integrity and trust in our election process is neither short nor simple but is wholly worth pursuing, and Americans deserve recourse when their rights have been neglected. Elections are foundational to ensuring democracy because if Americans do not believe their elected leaders were placed there honestly or fairly, faith in the entire system has eroded. To do this, however, citizens must understand their rights and be engaged in the system.

CEI seeks to take a holistic, evidence-based approach toward election laws and administration, understanding that if just one part of an election is fraudulent or flawed, the entire election must be considered the same. As we look toward the future, we must understand that this is a constant and recurring war as each election cycle brings forth new battles which must be fought strategically. In the end, we want to make it easy to vote and hard to cheat.



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