



The Perfect Storm: Legislation that weakens the Integrity of CA Elections 2018 Update

“It is enough that the people know there was an election.” J. Stalin

The Constitutions of all 50 states clearly mandate that voting is not a universal right, but a privilege given ONLY to legal citizens. California’s election code guarantees every registered citizen ONE, privately cast, uninfluenced vote.

Non-citizens, whether permanent or temporary residents, **regardless of their property ownership or tax payment status**, MAY NOT, according to both the U.S. and California constitutions, participate as voters in any federal or state election. PERIOD.

Nevertheless, a progression of federal and state laws has paved the way for this constitutional mandate to be circumvented, while weakening in many ways the integrity of all lawful ballots cast. The results are:

- Overload of elections officials
- Distancing by time and geography of voters from their ballots and from election results
- Diminishment or complete removal of secret ballot
- Loss of governmental voice by California’s most vulnerable citizens
- Potential dilution of citizen vote by countless non-citizen votes
- Potential and irrevocable harm to legal immigrants on legitimate path to citizenship

1994 – National Voter Registration Act (NVRA) requires all people interacting with government agencies to be offered a voter registration form

- Passed long before any discussion of issuing driver licenses to non-citizens
- NVRA and CNVRA (CA’s application of NVRA) – no verification of citizenship
- NVRA requires vote roll maintenance

1998 - CA eliminates voter ID - facilitating voter impersonation

1998 - CA changes from Absentee Ballot to Permanent Vote-by-Mail (VBM)

- TWO Presidential Commissions have determined that vote-by-mail ballots do not satisfy FIVE requirements for fair and honest elections.

2002 – Help America Vote Act (HAVA) is passed.

- CA remained out of compliance of the statewide database mandate for 14 years (the only state to fail to comply).
- CA now ostensibly in compliance, but there are many concerns:
 - the reputation of the company who created the database
 - the manner in which the contract was awarded
 - the lack of public transparency with regard to the database certification
 - EIP revelations of serious defects in the database
- CA expands use of provisional ballot beyond all reasonable boundaries
 - laws regarding provisional ballots is patently unenforced
 - SOS “advisories” suggest clear subversion of the law (turn no one away, give everyone a provisional ballot)
 - Voters disenfranchised by ignorantly casting ballots not tailored to their own precinct, because elections officials do not know or ignore the consequences
 - Out-of-county voters allowed to vote without being informed that their ballot cannot be counted
 - counties inundated with ballots that are time and labor intensive, and subject to errors in duplicating and counting

2013 - CA enables non-citizens to be poll workers (AB 817)

- There are “qualifications” stipulated in the law, but no way to verify that poll workers meet those qualifications.
- Observers report that many do not speak or understand English, which is a mandatory requirement for poll working.
- Fact: Non-citizens have not
 - relinquished allegiance to their native country
 - relinquished allegiance to their leaders
 - sworn allegiance to the United States
- Probable: non-citizens may not understand how the American democratic process works have assimilated into the American premise of individual responsibility Have sufficient command of English

2014 – California begins issuing licenses to non-citizens (gateway to voter registration).

2014 – Vote-by-Mail ballots may arrive up to 3 days late even without a postmark.

2014 - Many counties cleared to do all VBM elections for special elections.

2015 - CA passes AB 1461: voter registration becomes automatic with an opt-out process.

- Registration is automatic through DMV interaction unless voter proactively requests in writing not to be registered. (bloats voter rolls; lowers voter turn-out statistics; lowers voter morale).
- Given the ease of voter impersonation and ballot harvesting in CA, this multiplies exponentially the opportunity for undetectable fraudulent voting.
- Non-citizens WILL become registered with or without their knowledge - this inevitability is admitted in the text of the law itself. This dilutes the vote of citizens and does irreparable harm to people on a legitimate path to citizenship.
- AB 1461 exculpates any non-citizen who becomes registered and/or votes by requiring DAs to prove intent to commit fraud. NB: this does NOT give them federal immunity.
- DMV requires proof of citizenship and residency before issuing a license, and non-citizens are not supposed to be offered the opportunity to simultaneously register to vote, but the impossibility of proper training, supervision and oversight of so many DVM clerks opens the door to countless noncitizens becoming registered to vote.
- AB 1461 allows pre-registration of 16 and 17 year-olds as they get their license with the promise they won't be activated until their 18th birthday.
 - Reports to EIP are that 16-year-olds are showing up on the active voter rolls.
 - The process is labor intensive for ROVs since it is highly unlikely residency information will remain consistent for the next two years.

2015 - CA passes bill to allow 8 additional days after Election Day to sign Vote-by-Mail ballot (signature can be done remotely online rather than on actual ballot).

2015 - EIP research and documentation triggers hearing by California Committee of the U.S. Commission on Civil Rights.

- Full day testimony of citizens from all over the state
- Documentation signed under penalty of perjury by EIP volunteers
- Evidence that the civil rights of all CA citizens are being violated
- Testimony focused on chaos and unlawful behavior of LA County ROV and poll workers
- The Regional Director stated that citizen testimony and documentation were extremely troubling, and that similar hearings should be held in other states.
 - Regional Director was removed during process of writing report with recommendations.
 - His replacement never visited CA and was later removed from the position.
 - The required report was delayed, heavily redacted and generalized so

that damaging specific testimony was not included, and the entire report was buried entirely for quite some time. (Report finally resurfaced in July, 2017, generalized to downplay specific documentation that had been supplied.)

2016 - CA passes SB 450, which essentially facilitates ballot harvesting and authorizes counties to greatly complicate and make inconvenient the right to vote in person.

2016 - CA passes bill allowing voters to photograph their voted ballot and post it on social media, thus enabling voter intimidation and vote selling.

2016 - CA passes bill allowing voters to submit their mail ballots to polling places anywhere in the state and requiring already heavily burdened ROVs to find and forward those ballots to the proper county within 8 days.

- This extends the time ROVs have to count last minute mail ballots, thus severely shortening the time to process an ever-growing number of provisional ballots.

NOTE: In the June 7, 2016 primary election there emerged several troubling patterns statewide that resulted in a huge spike in Provisional Ballot use:

- Voters' party affiliation changed without their permission or knowledge
- Voters who requested party change before registration deadline found their request was not processed
- Disturbing spike in Vote-by-Mail voters not receiving their ballots
- Disturbing spike in voters changed to Vote-by-Mail without their request or knowledge, and not receiving ballot in mail—result: potential ballot harvesting and disenfranchisement

Further note: the last two situations mentioned have been growing in number in each election since our research began in 2012.

2017 – CA passes further laws that erode election integrity:

- Unlimited number of mail ballots may now be turned in by anyone, regardless of relationship.
- Voters no longer have to state name and address aloud and have it repeated. They now only need to “provide” name and address, further facilitating voter impersonation.
- Voters are no longer required to write their address, further facilitating voter impersonation.