FLORIDA RECOUNT | 6:24 P.M.

Marco Rubio: Democrats Are Trying to Steal Florida Senate Race by Counting All the Votes

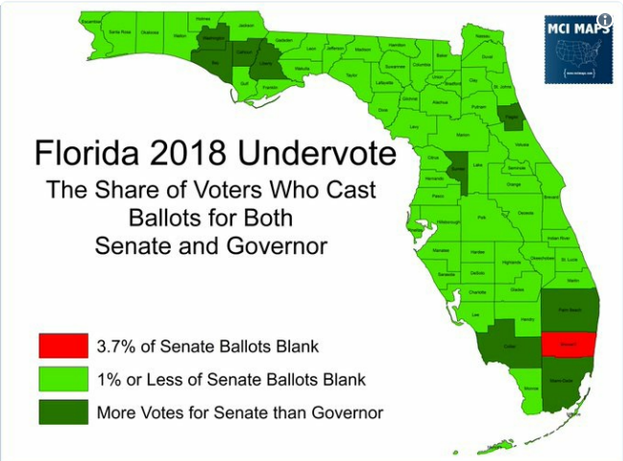
By Eric Levitz @EricLevitz

He knows exactly what he's doing. Photo: Jeff Mitchell/Getty Images

On Tuesday night in Florida, Democratic senator Bill Nelson conceded a Senate race to Republican Rick Scott, because he was trailing the Florida governor by more than 57,000 voters. Tallahassee Mayor Andrew Gillum, meanwhile, conceded Florida's governor race to Republican Ron DeSantis, because he was trailing the congressman by an even larger margin.

And then, Nelson and Gillum discovered that there were more outstanding votes from heavily Democratic counties than they had realized. By Thursday afternoon, Nelson's deficit had fallen to just 17,000, or 0.22 percent. State law requires a manual recount of any election with an initial margin under 0.25 percent. Gillum's deficit, meanwhile, fell to 38,000, or 0.47 percent, which is under the 0.5 percent threshold that triggers an automatic *machine* recount, under state law.

More significantly (and alarmingly), irregularities began to emerge in Nelson's pattern of support. Specifically, an aberrant percentage of voters in Broward County marked their ballots for gubernatorial candidates — but left the Senate ballot-line blank.

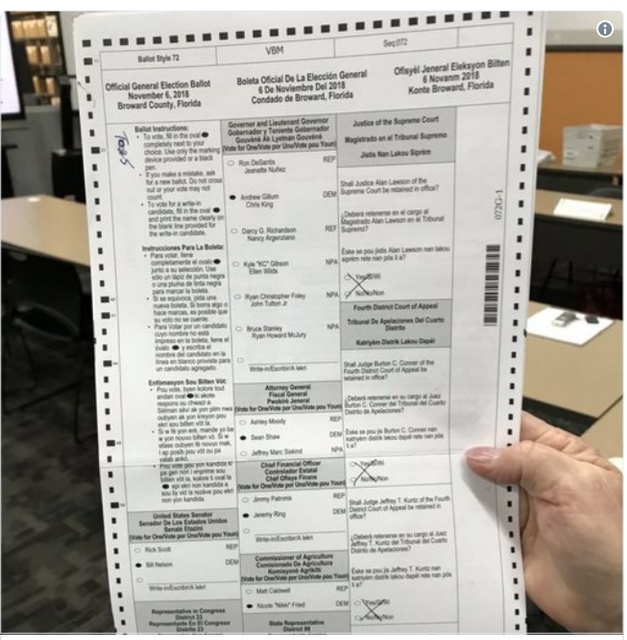


Matthew Isbell
@mcimaps

OMG. Looking at county-level undervote. Broward stands out for having 3.7% of its ballots left blank for #FLSEN but cast for #FLGOV. No other county comes close, and Palm/Dade had more votes for Senator. Either this is ballot design or machine error. #flapol #sayfie

♡ 1,619 9:15 PM - Nov 8, 2018

It's possible that this was a product of bad ballot design (similar to the infamous "butterfly ballot" that led some Broward County voters to accidentally vote for Pat Buchanan instead of Al Gore in 2000). Specifically, many voters in Broward County reported having had difficulty finding the Senate race on the ballot, as it was tucked beneath a long block of voting instructions on the ballot's left-hand column.



David Smiley
@NewsbySmiley

I'm at @BrowardVotes HQ. Here's an image of a ballot to aide discussion about whether layout caused undervotes in the US Senate race

♡ 177 4:34 PM - Nov 8, 2018

This theory is buttressed by the fact that undervoting in the Senate race was especially pronounced in Florida's 24th Congressional District, where no House race was listed (as the incumbent ran unopposed), and thus the Senate race box was even lower down on the ballot's left-hand side.

Patrick Murray
@PollsterPatrick

I randomly picked a precinct in each CD. Here's Sen-Gov dropoff:
FL20 (C005): 97.5%
FL22 (A001): 95.7%
FL24 (M001): 97.8%
FL24 (Q050/051): 89.6% !!!
It was low in each precinct compared to rest of state, but especially low where no House race was on ballot. Poor design!

Steve Kornacki @SteveKornacki
Replying to @SteveKornacki

To put some numbers on this: Broward County has a population of nearly 2 million. About 90,000 of them -- a little under 5% -- live in the FL-24 portion. Overall, there were at least 700,000 ballots cast in Broward, so probably around 30,000 of them are from the FL-24 portion.

70 10:24 PM - Nov 8, 2018

47 people are talking about this

If ballot design produced the undercount, than nothing can be done to rectify the error. But it is also possible that vote-processing machines in Broward suffered a technical glitch that caused them not to read Senate votes that were properly marked on paper ballots — and if that is the case, then a recount would very likely tip the Senate race to Nelson.

For this and other reasons, lawyers for Nelson and Gillum decided to call on the state of Florida to honor its statutory obligation to perform a recount.

In response, Florida senator Marco Rubio decided to accuse the Democratic Party of conspiring with Broward County election officials to illicitly overturn the will of the electorate, and illegitimately install Bill Nelson into the U.S. Senate.

Marco Rubio
@marcorubio

Long but IMPORTANT THREAT ON ELECTIONS IN #FLORIDA.#BayCounty was hit by a Cat 4 Hurricane just 4 weeks ago,yet managed to count votes & submit timely results.

Yet over 41 hours after polls closed #Broward elections office is still counting votes? #Sayfie

1/6

20.8K 6:16 PM - Nov 8, 2018

17.6K people are talking about this

Marco Rubio @marcorubio · 14h
Long but IMPORTANT THREAT ON ELECTIONS IN #FLORIDA.#BayCounty was hit by a Cat 4 Hurricane just 4 weeks ago,yet managed to count votes & submit timely results.

Yet over 41 hours after polls closed #Broward elections office is still counting votes? #Sayfie

1/6

Marco Rubio
@marcorubio

#Broward supervisor:
- says she doesn't know how many ballots are left to be counted; &
- Isn't reporting hourly or regularly,but rather releasing thousands of additional votes,often in the overnight hours,that are chipping away at GOP leads

2/6 #Sayfie

6,275 6:16 PM - Nov 8, 2018

4,472 people are talking about this

Marco Rubio @marcorubio · 14h
Replying to @marcorubio
#Broward supervisor:
- says she doesn't know how many ballots are left to be counted; &
- Isn't reporting hourly or regularly,but rather releasing thousands of additional votes,often in the overnight hours,that are chipping away at GOP leads

2/6 #Sayfie

Marco Rubio
@marcorubio

#Broward elections department has a history of violating the law:

A court found they improperly handled votes by mail:politico.com/states/florida…

Court found they destroyed ballots in 2016 in violation of state & federal law:politico.com/states/florida… #Sayfie

3/6

8,734 6:16 PM - Nov 8, 2018

6,116 people are talking about this

Marco Rubio @marcorubio · 14h

Replying to @marcorubio

#Broward elections department has a history of violating the law:

A court found they improperly handled votes by mail:politico.com/states/florida…

Court found they destroyed ballots in 2016 in violation of state & federal law:politico.com/states/florida… #Sayfie

3/6

Marco Rubio
@marcorubio

Now democrat lawyers are descending on #Florida. They have been very clear they aren't here to make sure every vote is counted.

- They are here to change the results of election; &
- #Broward is where they plan to do it.#Sayfie

4/6

8,259 6:16 PM - Nov 8, 2018

11.8K people are talking about this

Marco Rubio @marcorubio · 14h

Replying to @marcorubio

Now democrat lawyers are descending on #Florida. They have been very clear they aren't here to make sure every vote is counted.

- They are here to change the results of election; &
- #Broward is where they plan to do it.#Sayfie

4/6

Marco Rubio
@marcorubio

A U.S. Senate seat & a statewide cabinet officer are now potentially in the hands of an elections supervisor with a history of incompetence & of blatant violations of state & federal laws.

Read Here: miamiherald.com/news/local/com…

5/6#Sayfie

8,078 6:16 PM - Nov 8, 2018

Behind the curtain of the most controversial elections depart…

The Broward County Elections Department has come under fire in recent years for a series of glitches, mistakes and errors that have

miamiherald.com

6,704 people are talking about this

Marco Rubio @marcorubio · 14h
Replying to @marcorubio
A U.S. Senate seat & a statewide cabinet officer are now potentially in the hands of an elections supervisor with a history of incompetence & of blatant violations of state & federal laws.

Read Here: miamiherald.com/news/local/com…

5/6#Sayfie

Behind the curtain of the most controversial elections d…
The Broward County Elections Department has come under fire in recent years for a series of glitches, mistakes and errors
miamiherald.com

Marco Rubio
@marcorubio

#Broward election supervisors ongoing violation of #Florida law requiring timely reporting isn't just annoying incompetence. It has opened the door for lawyers to come here & try to steal a seat in the U.S. Senate & Florida Cabinet
#Sayfie

6/6
12K 6:16 PM - Nov 8, 2018

11.7K people are talking about this

Rubio offered no evidence to support the claim that Democratic lawyers have been very clear that they don't want every vote to count, and are merely seeking to win the election by any means necessary (even if that involves not counting all the votes), nor did he specify what "ongoing" violations of the law Broward County election officials were engaged in (notably, the "elections supervisor with a history of incompetence" was appointed by former Republican governor (and Rubio ally) Jeb Bush).

The Florida senator *also* neglected to mention the fact that more than 20 percent of voting-age African-Americans in Florida were prohibited from casting ballots in Tuesday's election – largely because Rick Scott made disenfranchising them a top policy priority.

Taniel
@Taniel

The fact that we're treating an election in which more than one in 5 African Americans were disenfranchised as anything but a grotesque farce is a massive indictment of the U.S. media and of so much of our entire political discourse.

Taniel @Taniel
Under Crist, 155K people who completed a conviction regained voting rights over 4 years.

Scott became governor & restricted rules further. Just 3K people regained voting rights! Over 8 years!!

Scott DIRECTLY suppressed the vote of hundreds of thousands. Now he's up 17K.

678 12:04 AM - Nov 9, 2018

315 people are talking about this

To be sure, it is perfectly reasonable for Republicans – or anyone else, for that matter – to demand an explanation for why it is taking Broward County so long to finish its initial vote count (as opposed to the impending recount that will likely follow its completion). But as of this writing, there is simply no reason to believe that the delay is the product of anything worse than incompetence. Even after Nelson conceded Tuesday night, the New York *Times*'s forecasting algorithm was only giving Rick Scott a 53 percent chance of winning the election – because, based on the vote totals in other parts of the state, the model assumed that there *had* to be a lot of missing votes in (heavily Democratic) Broward County. Which is to say: One doesn't need to invoke a vast left-wing conspiracy to explain why Nelson gained votes between election night and Thursday afternoon. And yet, Rick Scott and Donald Trump have now joined Rubio in doing so.

Florida	>95%	Scott +0.1	53% Rep

Nate Cohn
@Nate_Cohn

I understand why the late ballots in Florida seem like a surprise. But when we turned off the needle yesterday, it seemed like there just wasn't enough counted in south Florida; turned it off w/Scott having virtually no edge at all

842 1:46 AM - Nov 9, 2018

289 people are talking about this

Many #NeverTrump conservatives like to fantasize about a world in which Marco Rubio won the 2016 GOP nomination — and, as a result, the Republican Party retained its commitment to civility over demagoguery, and democratic ideals over the raw pursuit of power. There are many problems with this fantasy. But two conspicuous ones are that Rubio spent much of his 2016 campaign baselessly accusing America's first black president of deliberately sabotaging the country ("he knows *exactly* what he's doing"); and that he is now telling his supporters, without evidence, that if Bill Nelson wins a recount they should regard the outcome of the 2018 Florida Senate race as illegitimate. Which suggests that reckless demagoguery would still have a place in Republican politics – even in a universe where Donald Trump didn't.

TAGS: MARCO RUBIO FLORIDA RECOUNT 2018 MIDTERMS BILL NELSON MORE

LEAVE A COMMENT

THE Intelligencer FEED

12:52 A.M.

Kyrsten Sinema pulls ahead in Arizona

Sinema is ahead in the Senate race in Arizona after Pima County sent an update on its vote count tonight.

Here are the updated numbers:

Sinema – 932,870 – 49.1%
McSally – 923,260 – 48.6%

Percentage of vote reporting: 83%

—@gelles

12:48 A.M.

The White House is worried about Whitaker

There is a growing sense of concern inside the White House over the negative reaction to Matthew Whitaker being tapped as acting attorney general after Jeff Sessions' abrupt firing.

Whitaker, who was Sessions' chief of staff, has faced criticism since Wednesday afternoon's announcement for his previous comments on special counsel Robert Mueller's investigation.

Several senior officials told CNN they were surprised by the criticism, and believe it could potentially jeopardize Whitaker's chances of remaining in the post if it continues to dominate headlines.

Whitaker backlash prompts concern at the White House

—CNN

12:41 A.M. **POLITICS**

The Anti-Pelosi Democrats Have Started Plotting Against Her

By ADAM K. RAYMOND

A group of House Democrats wants to prevent Pelosi from becoming Speaker again, but they don't have anyone willing to take her on.

MOST POPULAR

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By JONATHAN CHAIT

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By GABRIEL DEBENEDETTI

4. Trump Has Found His Roy Cohn in Matt Whitaker
By JONATHAN CHAIT

5. The Anti-Pelosi Democrats Have Started Plotting Against Her
By ADAM K. RAYMOND

11/8/2018

A patient Chris Christie may soon get his reward

> The shadow of special counsel Robert Mueller's ongoing investigation is complicating President Donald Trump's search for a new attorney general. …
>
> As a result, former New Jersey governor Chris Christie has emerged as a strong contender, according to two former White House officials briefed on the ongoing discussions, one of whom predicted that "this is going to end up with Christie." The president has said in recent days that he believes Christie, the first prominent Republican to back his presidential bid, has patiently waited his turn after being passed over for the job during the post-2016 election transition.

Sessions' job is hard to fill. Enter Chris Christie.

—Politico

11/8/2018

Keystone XL construction blocked

> BREAKING: A federal judge ruled that the Trump administration violated bedrock environmental laws when approving #KeystoneXL tar sands pipeline!
>
> The judge blocked any construction and ordered the government to revise its environmental review.
>
> **—@NRDC**

11/8/2018

The scene in Paradise, California, where a fast-moving wildfire has forced tens of thousands from their homes

Photo: JOSH EDELSON/AFP/Getty Images

11/8/2018

The teens are going to be pissed

The Food and Drug Administration, alarmed by a huge increase in vaping among minors, is expected to impose severe restrictions on the sale of e-cigarette products throughout the United States — actions that will likely have a significant impact on an industry that has grown exponentially in recent years with little government oversight.

As soon as next week, FDA Commissioner Scott Gottlieb is expected to announce a ban on the sale of most flavored e-cigarettes in tens of thousands of convenience stores and gas stations across the country, according to senior agency officials. The agency will also impose such rules as age-verification requirements for online sales, the officials say.

FDA plans to impose severe restrictions on e-cigarettes

—The Washington Post

11/8/2018

A heartbroken mother demands action

My son was in Las Vegas with a lot of his friends and he came home. He didn't come home last night. I don't want prayers. I don't want thoughts. I want gun control and I hope to God nobody else sends me anymore prayers. I want gun control. No more guns.

—Susan Schmidt-Orfanos

Schmidt-Orfanos's son, Telemachus Orfanos, was killed in the Thousand Oaks shooting Wednesday night

11/8/2018

Rick Scott doesn't want a recount

BREAKING: Gov. Rick Scott's campaign files lawsuit against Broward Supervisor of Elections Brenda Snipes. He is accusing "unethical liberals" of trying to steal the election.

—@SamanthaJoRoth

11/8/2018

The man in charge of the Russia investigation has already decided the outcome

A year-and-a-half before he took responsibility for overseeing the investigation into Russia's interference in the 2016 election, Matthew Whitaker, now the acting attorney general, had already reached a conclusion.

"The truth is there was no collusion with the Russians and the Trump campaign," he said in an interview on the *Wilkow Majority* show. "There was interference by the Russians into the election, but that is not collusion with the campaign. That's where the left seems to be just combining those two issues."

Matthew Whitaker, Trump's New AG, Declared There Was 'No Collusion' Between Trump and Russia

—The Daily Beast

11/8/2018 **FLORIDA RECOUNT**

Rubio: Democrats Are Trying to Steal Florida Elections by Counting All the Votes

By ERIC LEVITZ

The Republican senator argues that Democrats are illegitimately trying to steal elections in Florida by insisting on a legally mandated recount.

11/8/2018

What did the Democrats learn about 2020 on Tuesday?

Benjamin Hart 2:32 PM
obviously (and mercifully) it's too early to begin horse-race coverage of the 2020 democratic primaries right now. but tuesday's results did teach democrats some lessons about how, and where, to take on trump. what were the most important takeaways?

Ed Kilgore 2:34 PM
What do you mean it's too early for horse-race coverage? "And they're off!"

gabriel.debenedetti 2:35 PM
I think I wrote my first 2020 story in like October 2016.

sarah.jones 2:35 PM
takeaway: the health care message works. red state voters chose to expand Medicaid, and the Democratic party's commitment to message discipline on this issue really seemed to pay off.

read more

11/8/2018

Ballot design in Broward County, Florida may have foiled another Democratic victory

So the ballot design theory for the drop-off in Broward would be that there were scattered blanks around the county with ~20,000 people not seeing it on their ballots, and a higher concentration in the FL-24 sliver, where w/out a House race the Senate race was less conspicuous.

—@SteveKornacki

11/8/2018

Broadway's hottest new show?

to #ProtectMueller

11/8/2018

There are a lot of climate-denying slots at Fox...

> Interior Secretary Ryan Zinke reached out to Fox News inquiring about working at the conservative news channel as a contributor, according to sources familiar with the move. Zinke's outreach came as the scandal-plagued former Navy SEAL and Montana congressman is looking for employment opportunities after he exits Interior, as is expected. Zinke is also seeking positions on energy company boards of directors or even with private equity firms, two sources have said.

Sources: Zinke exploring role with Fox News

—Politico

11/8/2018 VOTING RIGHTS

Democrats May Have Lost to Brian Kemp, But They Can Still Capture His Old Job

By ZAK CHENEY-RICE

The race to choose Kemp's replacement as secretary of State appears headed for a runoff. It will be key to Georgia's political future.

11/8/2018

Wisconsin Republicans: Not huge fans of democracy

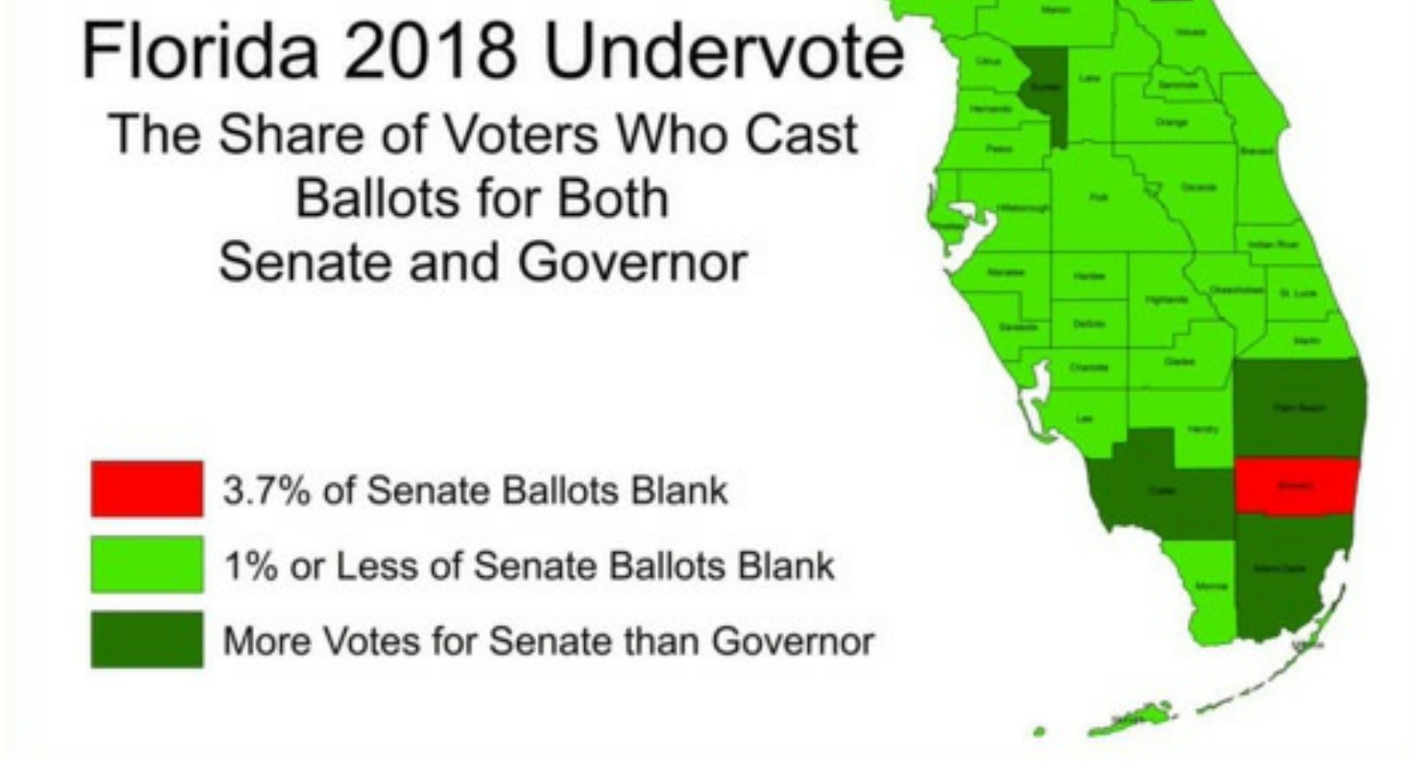
> The GOP plan to take power away from the incoming Democratic governor could include overhauling state boards and removing authority that Republican lawmakers handed to Gov. Scott Walker when he first took office in 2011.
>
> Senate Majority Leader Scott Fitzgerald (R-Juneau) said Thursday that Republicans are looking at giving incoming Gov. Tony Evers less say in state rules that implement state laws. Eight years ago, Republicans handed Walker more power over those rules when he was first sworn in.

Republican lawmakers consider limiting incoming Gov. Tony Evers' power over state rules

—Milwaukee Journal Sentinel

11/8/2018

Something weird seems to be going on in Broward county (again)



11/8/2018

Trump administration unveils radically restrictive new immigration policy

> The Trump administration said it would prohibit people who illegally cross the U.S. border with Mexico from claiming asylum, as the president seeks to choke off migration from Latin America, Bloomberg News reports.
>
> The change to asylum procedures was published Thursday by the Justice Department. President Donald Trump has blamed U.S. asylum rules for luring thousands of migrants a year from Central American countries. The new rule is almost certain to be challenged in courts.

Trump Administration Moves to Restrict Asylum Claims by Migrants

—Bloomberg

11/8/2018 GOOGLE

Google Changed Its Sexual Harassment Policies, But It Could Have Gone Further

By MADISON MALONE KIRCHER

Google CEO Sundar Pichai's policy update is a move in the right direction, but it ignores some key demands from last week's walkout.

11/8/2018

One chamber of Congress plans to take a big stand on global warming not being a Chinese hoax, so at least there's that

> House Democrats are planning to resurrect a special committee focused on climate change, giving them a platform to spotlight an issue on which polls show President Donald Trump is out of step with the public.
>
> Democratic Leader Nancy Pelosi of California will ask her colleagues to reconstitute the select committee, which was created under her watch 11 years ago and disbanded by Republicans after they took control of the House in January 2011. The plan was described by senior Democratic aides who asked not to be named before a formal announcement.

Democrats Plan to Revive House Climate Committee

—Bloomberg

11/8/2018 MISINFORMATION

The Only Reason to Fact-Check Anything Is on Behalf of the Aliens

By BRIAN FELDMAN

Nobody is going to win the day, but someone has to win the historical record.

11/8/2018

A month later, Christine Ford's life isn't close to normal

> Christine Blasey Ford is still being harassed after leveling sexual assault allegations against Supreme Court Justice Brett Kavanaugh, her lawyers say.
>
> She has had to move four times, she wrote last month. She has had to pay for a private security detail. She hasn't been able to return to her job as a professor at Palo Alto University. A spokeswoman for the school did not respond to a question about whether there was a timeline for Ford to retur

Kavanaugh Accuser Christine Blasey Ford Continues Receiving Threats, Lawyers Say

—NPR

11/8/2018

The land of recounts is heading for more of them

FL Update, 11/8, 2 pm
Ag Comm: DEM +575 (+.006%)
Senate: GOP +17,344 (+.22%)
Governor: GOP +38,515 (+.47%)

Unknown number of Broward ballots and statewide provisionals uncounted

Margin for machine recount: .5%
Margin for hand recount: .25%

—@dwbeard

11/8/2018 **HYPERLOOP!**

Virgin Hyperloop One's First Project Will Be in India

By JUSTIN DAVIDSON

Jay Walder is the new CEO.

11/8/2018

A twitter thread laying out some interesting theories on why Ohio is trending red

It's time to talk about Ohio.

—@AlecMacGillis

11/8/2018

McConnell, as always, seems unconcerned about Mueller interference

"I don't think there's any chance that the Mueller investigation will not be allowed to finish," McConnell replies when @WVLK asks about Democratic angst over Sessions acting replacement https://t.co/IlkaGHLPwn

—@alanhe

11/8/2018 **WORLD VIEW**

North Korea Doesn't Care About Trump's Post-Midterms Agenda

By HEATHER HURLBURT

Trump seems to have put North Korea on the back burner, insisting relations are "fine" — but they probably won't stay that way for long.

11/8/2018 **CONSERVATISM**

The Lesson That Republicans Will (Probably) Take From the 2018 Midterms

By ERIC LEVITZ

Spooked by the backlash to ACA repeal, the GOP will probably outsource the grim task of gutting the welfare state to the judiciary next time around.

11/8/2018

Margaret Sullivan argues journalists should take the Trump administration to court over treatment of press

> I've heard various suggestions about how CNN or the press corps should respond to this retaliation: There should be a boycott, a walkout, a news blackout. And I've read the strongly worded rebukes from the White House Correspondents' Association, from CNN and others.
>
> But mere words aren't enough. And a boycott or blackout not only runs counter to the core idea that the reporters are there to inform the public, but it also would cede the briefings to the worst Trump sycophants.
>
> No, something more is called for: CNN should sue the Trump White House on First Amendment grounds, and press-rights groups, along with other media organizations, should join in to create a united and powerful front. (Fox News, which benefited from the press corps' united front on its behalf in 2009, should pay that solidarity forward by getting on board.)

Words and walkouts aren't enough. CNN should sue Trump over revoking Acosta's press pass.

—Washington Post

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