



Indiana Advisory Committee to the U.S. Commission on Civil Rights Urges Adoption of No-Excuse Absentee Voting in Upcoming Election

The Indiana Advisory Committee to the U.S. Commission on Civil Rights offers this statement as an addendum to our [Advisory Memorandum on Voting Rights in Indiana](#) issued in May 2018.¹ In that Advisory Memorandum, we recommended, among other things, that absentee voting be expanded to allow all registered voters to vote by mail if they choose. The current public health crisis facing our state makes this recommendation all the more urgent, because the coronavirus pandemic means that voting in person could present a serious health risk to some.

We are pleased to report that the Governor, the Secretary of State, and the Indiana Election Commission, in close consultation with the leaders of both major political parties, agreed to adopt a no-excuse absentee ballot policy for the recent primary election on June 2. This led to a tenfold increase in the number of absentee ballots requested, as people opted to vote by mail to reduce their risk of exposure to the coronavirus. The dramatic increase in the number of ballots cast in this way led to some troubling instances across the state in the implementation of this new policy. For example, the Indianapolis Star reported that 1800 ballots were left uncounted in the Marion County primary election.² Election workers did the best they could under challenging circumstances, and the experience in the primary should be instructive for the fall election. Ballots must be mailed with enough advance notice to give voters sufficient time to respond in a timely fashion.

In north central Indiana, there were also issues with voting centers in locations serving predominately Black and Hispanic voters. In Marion County, there were only 22 polling places in comparison to over 250 polling locations in previous elections. The resulting long lines likely produced hardships in voting based on work and childcare schedules and transportation availability, which hardships may have been socioeconomically and racially disparate. In neighboring affluent Hamilton County, there were 125 voting centers.³ Whatever the reason for the disparity, it seems clear that state and local election officials must improve the process leading up to the general election in November and time is of the essence.

¹ On July 15, 2020, the Indiana Advisory Committee approved this statement by a unanimous voice vote.

² Amelia Pak-Harvey, “Thousands of Marion County Ballots Unreturned in Primary Election, Roughly 1,800 Rejected,” Indianapolis Star (Indianapolis, IN), June 29, 2020. (Accessed July 15, 2020).

<https://www.indystar.com/story/news/local/marion-county/2020/06/29/indiana-elections-marion-county-add-voting-sites-before-nov-3/3245012001/>

³ Chris Sikich et. al, “Marion County Voters, Come Spurred by Protests, Find Long Lines on Election Day,” Indianapolis Star (Indianapolis, IN), June 2, 2020. (Accessed July 15, 2020).

<https://www.indystar.com/story/news/politics/2020/06/02/marion-county-voters-some-spurred-protests-find-long-lines-election-day/3125569001/>

To date, the State of Indiana has not extended the no-excuse absentee ballot policy to the general election in November, even though the threat posed by the coronavirus pandemic appears to be as great or greater than it was before the primary election. History shows that presidential elections always generate the highest levels of voter turnout, which increases the likelihood that there will be large crowds of people gathering in polling places all across the state. Allowing the option to vote absentee would mitigate this risk. Mailing absentee ballot applications to all registered voters in the state would streamline the process.

All registered voters deserve to be able to cast their ballot safely, but the dangers posed by the coronavirus do not affect all voters equally. Evidence shows that there are greater risks associated for some citizens based on their age, race and ethnicity, or disability. This raises troubling civil rights implications regarding the administration of our elections, and it could affect the composition of the electorate in ways that distort the expressed will of the people. In our Advisory Memorandum two years ago, we provided a range of policy recommendations that would allow for comprehensive reforms to our election system and make access to the ballot more fair for all Hoosiers. We continue to stand by those recommendations, but we take this opportunity to express how the current public health crisis makes it imperative that the State of Indiana and our elections officials find ways for all registered voters to be able to cast their ballots safely. To that end, we urge the Commission to encourage the State of Indiana to continue to pay special attention to this matter, and adopt a voting plan in a timely manner so that the pandemic we are facing does not cause an erosion in our civil rights, especially as we prepare to engage in one of the most powerful acts of our citizenship: the exercise of our voting rights in a national election.

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