

## **Advisory Memorandum**

**To:** The U.S. Commission on Civil Rights

**From:** The Indiana Advisory Committee to the U.S. Commission on Civil Rights

**Date:** May, 2018

**Subject:** Voting Rights in Indiana

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The following advisory memorandum results from the testimony provided during the March 02, 2018 meeting of the Indiana Advisory Committee, as well as a web hearing, two community forums, and related testimony submitted to the Committee in writing during the relevant period of public comment. It begins with a brief background of the issue to be considered by the Committee. It then presents an overview of the testimony received. Finally, it identifies primary findings as they emerged from this testimony, as well as recommendations for addressing related civil rights concerns. This memo is intended to focus specifically on concerns of disparate impact regarding voting rights. While other important topics may have surfaced throughout the Committee's inquiry, those matters that are outside the scope of this specific civil rights mandate are left for another discussion. This memo and the recommendations included within it were adopted by a majority of the Committee on May 21, 2018.

### **Background**

The right to vote is one of the most fundamental components of democracy—so important, in fact, that the United States Constitution includes four amendments protecting it.<sup>1</sup> Additionally, the Constitution of the State of Indiana<sup>2</sup> includes 5 sections protecting and defining the right to vote in Indiana:

Article 2. Section 1. All elections shall be free and equal.

Article 2. Section 2.

(a) A citizen of the United States who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.

(b) A citizen may not be disenfranchised under subsection (a), if the citizen is entitled to vote in a precinct under subsection (c) or federal law.

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<sup>1</sup> U.S. Const. amend. XV, XIX, XXIV, XXVI. The U.S. Constitution specifies that the right to vote shall not be abridged or denied on account of race, color, or previous condition of servitude (Amend XV); sex (Amend XIX); by any reason of failure to pay poll tax or other tax (Amend XXIV); or on account of age for all citizens age 18 or older (Amend XXVI). More information available at Legal Information Institute, Cornell University School of Law: U.S. Constitution. <https://www.law.cornell.edu/constitution/overview>.

<sup>2</sup> Ind. Const. art. II, § 1, 2.

(c) The General Assembly may provide that a citizen who ceases to be a resident of a precinct before an election may vote in a precinct where the citizen previously resided if, on the date of the election, the citizen's name appears on the registration rolls for the precinct.

Article 2. Section 4. No person shall be deemed to have lost his residence in the State, by reason of his absence, either on business of this State or of the United States.

Article 2. Section 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible, any person convicted of an infamous crime.

Article 2. Section 14. (c) The General Assembly shall provide for the registration of all persons entitled to vote.

In 1965, the United States Congress passed the Voting Rights Act (VRA).<sup>3</sup> Among its key provisions, the VRA prohibits public officials from developing political processes “leading to nomination or election in the State or political subdivision,” which are not “equally open to participation by members of a [protected] class of citizens...”<sup>4</sup> It also requires that states and counties with a “history of discriminatory voting practices or poor minority voting registration rates” secure “preclearance” – this is, the approval of the United States Attorney General, or a three-judge panel of the District Court of the District of Columbia—prior to implementing any changes in their local legislation.<sup>5</sup> With the extension of the VRA in 1975, Congress included protections against voter discrimination toward “language minority citizens”.<sup>6</sup> In 1982, the Act was again extended, and amended to provide that a violation of the Act’s nondiscrimination section could be established “without having to prove discriminatory purpose.”<sup>7</sup> In other words, regardless of intent, if voting requirements of a particular jurisdiction are found to have a discriminatory impact, they may be found in violation of the VRA.

In 1993, Congress enacted the National Voter Registration Act (NVRA),<sup>8</sup> which was designed to further protect voting right by making it easier for all Americans to register to vote and to maintain their registration.<sup>9</sup> The Act requires states to allow citizens to register to vote at the

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<sup>3</sup> Voting Rights Act, Pub. L. 89-110, 79 Stat. 437

<sup>4</sup> 52 U.S.C. § 10301(b) (previously codified as 42 U.S.C. § 1973 to 1973aa-6)

<sup>5</sup> Voting Rights Act, Pub. L. 89-110, 79 Stat. 437. Note: Indiana was not named as one of these “preclearance” jurisdictions.

<sup>6</sup> 52 U.S.C. § 10503 (previously codified as 42 USC 1973aa-1a); *See also*: The U.S. Dep’t of Justice, “The History of Federal Voting Rights Laws,” June 16, 2017, <https://www.justice.gov/crt/history-federal-voting-rights-laws>. (last accessed July 19, 2018)

<sup>7</sup> *Id.*

<sup>8</sup> National Voter Registration Act, Pub. L. 103-31, 107 Stat. 77

<sup>9</sup> U.S. Department of Justice, Civil Rights Division, “About the National Voter Registration Act,” <https://www.justice.gov/crt/about-national-voter-registration-act> (last accessed July 19, 2018) *Hereafter* cited as: *DOJ: About the National Voter Registration Act*.

same time they apply for their driver's license, or seek to renew their license; it also requires the state to then forward the voter's completed registration application to the appropriate election official.<sup>10</sup> In addition, the NVRA requires voter registration support for individuals with disabilities and those seeking public assistance; it requires the option for voters to register by mail; sets forth requirements for how states maintain their voter registration applications; and under certain circumstances, protects citizens' right to vote regardless of a change in address.<sup>11</sup>

In 2002, Congress passed the Help American Vote Act (HAVA)<sup>12</sup> following the 2000 Presidential Election. The law created mandatory minimum standards in key areas of election administration such as allowing for provisional voting, upgrading voting equipment, and establishing statewide voter registration databases.<sup>13</sup> It also provides funding to meet these new standards.<sup>14</sup> The Election Assistance Commission (EAC) was also established as a result of the new law.<sup>15</sup> EAC is charged with assisting states regarding HAVA compliance, creating voter system guidelines, and maintaining the National Voter Registration form among other responsibilities.<sup>16</sup>

Despite these protections encoded at the state and federal levels, civil rights advocates have alleged a number of voting rights problems in Indiana: mandatory, strict photographic identification; unequal access to early voting; cancellation or deactivation of voter registration; and violations of voter privacy.<sup>17</sup> In April 2008, the U.S. Supreme Court ruled<sup>18</sup> to uphold an Indiana law requiring voters to provide photographic identification at the polls. Since this time, the state of Indiana has faced several additional lawsuits regarding its voting laws:

- On May 02, 2017, private counsel, William Groth, suit against the Marion County Election Board on behalf of Common Cause Indiana and the Greater Indianapolis Branch of the NAACP alleging that voters in the county, which has the largest population of African Americans in Indiana, has had unequal access to early voting citing a violation of

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<sup>10</sup> National Voter Registration Act, Pub. L. 103-31, 107 Stat. 77, §5

<sup>11</sup> National Voter Registration Act, Pub. L. 103-31, 107 Stat. 77. *See also: DOJ: About the National Voter Registration Act.*

<sup>12</sup> Help America Vote Act, Pub. L. 107-252, 116 Stat. 1666.

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.* at §201

<sup>16</sup> *Id.* *See also:* U.S. Assistance Commission, "Help America Vote Act," <https://www.eac.gov/about/help-america-vote-act/> (Last accessed May 21, 2018).

<sup>17</sup> Described throughout the testimony and findings of this memorandum.

<sup>18</sup> *Crawford v. Marion County Election Bd.*, 553 U.S. 181 (2008). *See also:* Robert Barnes, "High Court Upholds Indiana Law on Voter ID," *Wash. Post* (April 29, 2008), <http://www.washingtonpost.com/wp-dyn/content/article/2008/04/28/AR2008042800968.html>. (last accessed June 21, 2018)

the First and Fourteenth Amendments to the Constitution and Section 2 of the Voting Rights Act of 1965.<sup>19</sup>

- On April 25, 2018, a federal judge ordered the Marion County Election Board to “establish at least two early satellite voting precincts in time for the November General Election.”<sup>20</sup>
- On August 11, 2017, the Indiana State Conference of the NAACP and the League of Women Voters of Indiana filed a lawsuit against the Indiana Election Division and the Indiana Secretary of State to “prevent unlawful removal of voters from the registration rolls”.<sup>21</sup> The lawsuit is still ongoing.
- On July 11, 2017, the Brennan Center and co-counsel filed a lawsuit on behalf of the League of Women Voters of Indiana, the Indiana NAACP, and Joselyn Whitticker to prevent Connie Lawson, the Indiana Secretary of State from sharing voter registration information to the Presidential Advisory Commission on Election Integrity.<sup>22</sup> The Presidential Advisory Commission on Election Integrity was terminated on January 3, 2018 by President Donald Trump thus ending the lawsuit.<sup>23</sup>

In this context, the Indiana Advisory Committee submits this report to the Commission detailing the present state of voting rights in Indiana, as the Commission revisits this topic of national importance.

### **Overview of Testimony**

While cognizant of the ongoing voting rights issues raised by civil rights advocates, the Committee approached this project from a neutral posture. During the public hearings and community forums, the Committee heard from academics, legal professionals, government officials, party representatives, community advocacy organizations, and members of the

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<sup>19</sup> *Common Cause v. Marion County Election Board*, No. 1:17-cv-01388-SEB-TAB, 2018 WL 1940300, at 1) (S.D. Ind. Apr. 25, 2018).

<sup>20</sup> Dave Stafford, “Judge Orders Early Satellite Voting Precincts for Marion County,” *Ind. Lawyer*, <https://www.theindianalawyer.com/articles/46807-judge-orders-early-satellite-voting-precincts-for-marion-county> (last accessed June 22, 2018).

<sup>21</sup> NAACP. *NAACP Files Lawsuit against Indiana for Unlawful Voter Purges*, Aug 24, 2017 <http://www.naacp.org/latest/naacp-files-lawsuit-indiana-unlawful-voter-purges/> (last accessed June 21, 2018).

<sup>22</sup> Brennan Center for Justice, “League of Women Voters of Indiana, Indiana NAACP, et. al. v. Connie Lawson, et. al.,” May 2, 2018, <http://www.brennancenter.org/legal-work/league-women-voters-indiana-indiana-naacp-et-al-v-connie-lawson-et-al> (last accessed June 21, 2018).

<sup>23</sup> Michael Tackett and Michael Wines, “Trump disbands Commission on Voter Fraud,” *N.Y. Times*, January 3, 2018, <https://www.nytimes.com/2018/01/03/us/politics/trump-voter-fraud-commission.html> (last accessed June 21, 2018)



community on the status of voting rights in the state of Indiana. In addition, the Committee received a number of written statements offering supplemental information on the topic.

## **Findings**

The following findings result directly from the testimony received, and reflect the views of the cited panelists. While the Committee has not independently verified each assertion, panelists were chosen to testify due to their professional experience, academic credentials, subject expertise, and firsthand experience with the topics at hand.

### **Voter Administration**

1. Indiana's strict voter ID requirements may disenfranchise otherwise eligible voters who do not possess the proper photo ID, requiring prohibitive amounts of time and money to obtain the required identification.<sup>24</sup> Such disenfranchisement may have a disproportionate impact on the basis of race, color, and other federally protected classes.
  - a. Indiana's voter ID law may disproportionately impact people of color, particularly African Americans and Latinos.<sup>25</sup> A 2006 Brennan Center study found that 11 percent of American citizens did not have government issued ID's.<sup>26</sup> The Government Accountability Office found that imposing a strict photo ID law decreased turnout overall by two to three percent and that the negative effect was slightly larger among African Americans than Whites.<sup>27</sup>

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<sup>24</sup> Joe Micon, Executive Director, Lafayette Urban Ministry Indiana, *Written Statement for the Indiana Advisory Committee to the U.S. Commission on Civil Rights*, March 2, 2018, pp. 1-3. (hereinafter cited as Micon Statement). Note: all written statements are included in Appendix B of this memorandum.

<sup>25</sup> Bennion Testimony, *Indiana Advisory Committee to the U.S. Commission on Civil Rights Meeting*, Webcast, Feb. 12, 2018, transcript, p. 7 lines 7-25, [https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155655\\_transcript\\_\(2018-03-29-02-27-30\).pdf](https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155655_transcript_(2018-03-29-02-27-30).pdf) (hereinafter cited as *Meeting Transcript I*) Patricia Avery, testimony, *Indiana Advisory Committee to the U.S. Commission on Civil Rights Meeting*, Evansville, IN, Feb. 17, 2018, transcript, p. 4 lines 24 – p. 5 line 20, [https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155670\\_transcript\\_\(2018-04-04-04-46-42\).pdf](https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155670_transcript_(2018-04-04-04-46-42).pdf) (hereinafter cited as *Meeting Transcript II*)

Steven Monroy, testimony, *Indiana Advisory Committee to the U.S. Commission on Civil Rights Meeting*, Indianapolis, IN, Mar. 2, 2018, transcript, p. 97 line 16 – p. 98 line 18, [https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155674\\_transcript\\_\(2018-04-05-04-51-15\).pdf](https://facadatabase.gov/download.aspx?fn=Meetings/2018-266-155674_transcript_(2018-04-05-04-51-15).pdf) (hereinafter cited as *Meeting Transcript III*)

Fraga Testimony, *Meeting Transcript III*, p. 159 lines 8-13

<sup>26</sup> Mensz Testimony, *Meeting Transcript III*, p. 30 lines 13-15 see also Brennan Center for Justice, *Citizens Without Proof: A Survey of Americans' Possession of Documentary Proof of Citizenship and Photo Identification*, [http://www.brennancenter.org/sites/default/files/legacy/d/download\\_file\\_39242.pdf](http://www.brennancenter.org/sites/default/files/legacy/d/download_file_39242.pdf). (last accessed June 22, 2018).

<sup>27</sup> Groth Testimony, *Meeting Transcript III*, p. 11 lines 21-24 Bolling-Williams Testimony, *Meeting Transcript III*, pp. 33 lines 10-12, 34 lines 3-7 Micon Statement at 2.

- b. While voters without proper ID may cast a provisional ballot, voters may not be clear about what additional steps they need to take in order for their vote to be counted.<sup>28</sup>
  - c. Indiana's voter ID laws have disenfranchised students because many of them cannot use their student ID to vote. Some public universities have changed their student ID to include an expiration date, thus meeting the criteria for voting; however because qualified IDs must be government-issued, students at private schools have no remedy.<sup>29</sup>
  - d. Absentee voters who vote-by-mail are not required to produce a valid, government-issued photo ID.<sup>30</sup> This was found to be an unexplained inconsistency in the state's voter ID requirements.<sup>31</sup>
2. The use of the inter-state Crosscheck Program to identify voters who may be registered in more than one state may disenfranchise otherwise eligible voters.<sup>32</sup>
- a. One study found that it is not statistically uncommon for two people have the same name and date of birth—a situation which would give rise to a “false hit” in the Crosscheck database.<sup>33</sup>
  - b. Some studies suggest that certain racial and ethnic minorities may be disproportionately susceptible to such a “false hit” in the Crosscheck Program, given such populations are more likely to have the same first and last name.<sup>34</sup>
  - c. A newly amended state law now allows immediate removal of voters; thus, voters are no longer required to receive notification before they are labeled “inactive” if they appear in the Crosscheck Program as registered in more than one state.<sup>35</sup>

<sup>28</sup> Avery Testimony, *Meeting Transcript II*, p. 4 line 24 – p. 5 line 20.

<sup>29</sup> Hollis Testimony, *Meeting Transcript III*, pp. 227 lines 24-25, 228 lines 1-7 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 243 lines 18-24.

<sup>30</sup> Indiana Sec. of State, Election Division. Voter Information Portal, *Absentee voting*. Available at: <https://www.in.gov/sos/elections/2402.htm> (last accessed June 26, 2018). *See also*: Gerard Testimony, *Meeting Transcript II*, p. 27 line 1.

<sup>31</sup> Indiana Sec. of State, Election Division, “Photo ID Law,” <https://www.in.gov/sos/elections/2401.htm> (last accessed June 26, 2018)

<sup>32</sup> Mensz Testimony, *Meeting Transcript III*, p. 26 line 1 – p. 29 line 21. *Note*: The Secretary of State's Office submitted comment to the Committee on April 03, 2018 noting it believes there has been a “great deal of misinformation and exaggeration concerning routine, NVRA mandated voter list maintenance.”

<sup>33</sup> Mensz Testimony, *Meeting Transcript III*, p. 26 line 15 – p. 27 line 3.

<sup>34</sup> *Ibid.* p. 27 lines 4-13 Amy Gandhi, Director of Voting Rights and Civic Engagement, Chicago Lawyers' Committee for Civil Rights and Matthew J. Owens, Miner Barnhill & Galland, P.C., Written Statement for the Indiana Advisory Committee to the U.S. Commission on Civil Rights, April 2018, at 6-7. (*hereinafter cited as Chicago Lawyers' Committee Statement*).

<sup>35</sup> Mensz Testimony, *Meeting Transcript III*, p. 27 line 22 – p. 28 line 19. Chicago Lawyers' Committee Statement at 6-7. Hoyer Testimony, *Meeting Transcript III*, p. 75 lines 11-14. S.B. 442, 120th Leg., 1st Sess. (Ind. 2017).

### 3. Voter registration

- a. In 2010, Indiana expanded access to voter registration by becoming one of the first few states to implement online voter registration.<sup>36</sup> There are now 37 states total that have implemented online voter registration.<sup>37</sup>
  - b. Indiana is one of thirty-three states that does not have same day voter registration.<sup>38</sup> Currently in Indiana, voter registration closes 29-days before each election with the exception of overseas voters and military voters.<sup>39</sup>
4. Indiana has the shortest voting hours allowed by federal law, from 6 A.M. to 6 P.M; only two other states (Kentucky and Hawaii) close their polls that early.<sup>40</sup> Short voting hours are especially burdensome for certain demographics potentially resulting in smaller voter turnout.<sup>41</sup>
    - a. Short voting hours may disproportionately impact citizens with less flexible work schedules or citizens needing to pick up children from school or childcare.<sup>42</sup>
    - b. Indiana has no “Time off Work” law requiring employers to allow employees to leave work in order to vote or to pay employees who must take time off work to

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<sup>36</sup> H.B. 1346, 116th Leg., 1st Sess. (Ind. 2009). National Council of State Legislatures, Online Voter Registration. *Overview*. Available at: <http://www.ncsl.org/research/elections-and-campaigns/electronic-or-online-voter-registration.aspx#table> (last accessed June 26, 2018).

<sup>37</sup> *Ibid.*

<sup>38</sup> National Council of State Legislatures, “Same Day Voter Registration,” <http://www.ncsl.org/research/elections-and-campaigns/same-day-registration.aspx> (last accessed June 26, 2018)

<sup>39</sup> Groth Testimony, *Meeting Transcript III*, p. 13 lines 20- p. 14 line 2

<sup>40</sup> Ballotpedia, *State Poll Opening and Closing Times (2018)* Available at: [https://ballotpedia.org/State\\_Poll\\_Opening\\_and\\_Closing\\_Times\\_\(2018\)](https://ballotpedia.org/State_Poll_Opening_and_Closing_Times_(2018)) (last accessed June 26, 2018)  
Groth Testimony, *Meeting Transcript III*, p. 14 line 19 - p. 15 line 15 Vaughn Testimony, *Meeting Transcript III*, p. 84 line 23 – p. 85 line 7.

<sup>41</sup> Groth Testimony, *Meeting Transcript III*, p. 15 lines 6-7. Hoyer Testimony, *Meeting Transcript III*, p. 75 lines 6-7, p. 85 lines 1-2. Darian Collins Testimony, *Indiana Advisory Committee to the U.S. Commission on Civil Rights Meeting, Gary, IN, Mar. 31, 2018, transcript*, p. 23 lines 2-8, <https://facadatabase.gov/committee/meetingdocuments.aspx?flr=155693&cid=247> (hereinafter cited as *Meeting Transcript IV*) *Meeting Transcript IV*.

<sup>42</sup> Groth Testimony, *Meeting Transcript III*, p. 15 lines 1-7 Monroy Testimony, *Meeting Transcript III*, p. 98 lines 20-23 Celestiano-Horseman Testimony, *Meeting Transcript III*, p. 238 lines 15-24 Maguire Testimony, *Meeting Transcript III*, p. 247 lines 14-19. *Note:* The Secretary of State’s Office submitted comment on April 3, 2018 noting that it is unaware of conclusive evidences that polling place hours coupled with opportunities for early voting and absentee voting by mail serves as an impediment to voting or have a discriminatory impact.

vote.<sup>43</sup> The lack of this law may make it especially difficult for low-income voters.<sup>44</sup>

5. Access to early voting in Indiana, especially in-person early voting, raised concern for many panelists. Early voting has long been a critical tool for fair access to the polls, particularly for communities of color and low-income communities.<sup>45</sup>
  - a. In Marion County specifically, before late-April 2018, there was only one early voting location for over 700,000 registered voters leading to exceptionally long wait times.<sup>46</sup> This made it challenging for voters to cast an early ballot. However, on April 26, 2018 a federal judge ruled that Marion County needed to open at least two early voting sites before the November 2018 election.<sup>47</sup>
  - b. While Indiana state law requires that each three person election board unanimously approves satellite voting in each county, Marion County, the county with the largest African American population in Indiana, had one member who continuously voted against opening an additional early voting location even though the surrounding counties had a much lower ratio of early voting polling places to registered voter.<sup>48</sup>
  - c. Not all voters are eligible to vote-by-mail in Indiana. Existing criteria include having a disability, being above the age of 65, being confined due to illness or injury, or having limited access for transportation to the polls, among others.<sup>49</sup>

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<sup>43</sup> Groth Testimony, *Meeting Transcript III*, p. 18 lines 3-5.

<sup>44</sup> The Secretary of State's Office submitted comment on April 3, 2018 noting that it does not believe that the unavailability of "time off for voting" either serves as an impediment to voting or has a discriminatory impact.

<sup>45</sup> Chicago Lawyers' Committee Written Statement at 7-8.

<sup>46</sup> Hollis Testimony, *Meeting Transcript III*, p. 230 lines 17-25 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 239 lines 4-9 Harper Testimony, *Meeting Transcript III*, p. 14 lines 4-9.

<sup>47</sup> Matt Reynolds, *Federal Judge Orders New Early Voting Sites in Indianapolis*, Courthouse News Serv. (Apr. 26, 2018), <https://www.courthousenews.com/federal-judge-orders-new-early-voting-sites-in-indianapolis/>

<sup>48</sup> Groth Testimony, *Meeting Transcript III*, p. 16 lines 16-25 Vaughn Testimony, *Meeting Transcript III*, p. 83 lines 13-19, 21-23 Hollis Testimony, *Meeting Transcript III*, pp. 229 lines 21-25, 230 lines 10-14 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 239 lines 10-14. The Indiana Secretary of State's Office submitted comment on April 03, 2018 noting it believes that county clerks and election boards are best suited to determine and agree on places for voting and that neither past nor future opportunities for early voting in Marion County serve as an impediment to voting or have a discriminatory impact.

<sup>49</sup> Indiana Secretary of State. Indiana Election Division, "Absentee Voting, 2018 Election Calendar," <https://www.in.gov/sos/elections/2402.htm>; Hollis Testimony, *Meeting Transcript III*, p. 229 lines 3-8 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 240 lines 8-23 Robinson-Ungar Testimony, *Meeting Transcript II*, p. 11 lines 7-8. The Secretary of State's Office submitted comment on April 03, 2018 noting it does not believe "no-excuse" absentee voting by mail either serves as an impediment to voting or has discriminatory impact.

6. Voting Centers received positive feedback from both panelists and voters who testified as making it more convenient to vote.
  - a. Voting centers allow registered voters to vote at any of the voting centers in their county.<sup>50</sup> This option provides flexibility for voters to access polls closest to either their homes or workplaces.
  - b. Election expenses may be reduced due to the decreased need for staff, saving the county money.<sup>51</sup>
  - c. The election board must unanimously approve any county effort to adopt the voting center model.<sup>52</sup>
  - d. Voting centers may be particularly helpful for voters who are disabled as it allows them to choose the most easily accessible location.<sup>53</sup>
7. Despite the success of voting centers, in August of 2017, SB 200 required Lake County, and only Lake County, to consolidate polling centers that had 600 or fewer active voters assigned to the location.<sup>54</sup>
  - a. Lake County has the second largest African American population and the largest Latino population in the state of Indiana in terms of percentage, raising serious concerns about disparate impact.<sup>55</sup> The Indiana state conference of the NAACP has filed a lawsuit that is still pending.<sup>56</sup>
  - b. The consolidation of polling places in Lake County not only created confusion for voters who were no longer sure where to vote, but required voters who otherwise were able to walk to their polling place, to find some other form of transportation.<sup>57</sup> The transient community as well as citizens dependent on public transportation were especially burdened.<sup>58</sup>
8. Accurate and consistent training of poll workers is critical to ensuring accessibility and voting procedures are uniform throughout the state. Poll workers who are trained

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<sup>50</sup> Clifton Testimony, *Meeting Transcript III*, p. 225 lines 2-10

<sup>51</sup> Gordon Testimony, *Meeting Transcript I*, p. 7.

<sup>52</sup> Clifton Testimony, *Meeting Transcript III*, p. 225 lines 13-14.

<sup>53</sup> Emlay Testimony, *Meeting Transcript II*, p. 18 lines 9-11.

<sup>54</sup> Bolling-Williams Testimony, *Meeting Transcript III*, p. 38 line 11 – p. 39 line 22

<sup>55</sup> Fraga Testimony, *Meeting Transcript III*, p. 155 lines 8-10 Freeman-Wilson Testimony, *Meeting Transcript IV*, p. 4 line 5-15 and p. 5 lines 20-24 Harper Testimony, *Meeting Transcript III*, p. 14 lines 17-24 Bolling-Williams Testimony, *Meeting Transcript IV*, p. 25 lines 23-26 Chicago Lawyers' Committee Statement at 8-9.

<sup>56</sup> Bolling-Williams Testimony, *Meeting Transcript III*, p. 38 lines 12-23.

<sup>57</sup> Freeman-Wilson Testimony, *Meeting Transcript IV*, p. 3 lines 28-39.

<sup>58</sup> Newsome Testimony, *Meeting Transcript IV*, p. 7 lines 21-26

incorrectly may unintentionally disenfranchise voters by denying them access to the polls or not counting their ballot. Examples include:

- a. Accessible voting machines being in an open space depriving the voter of privacy.<sup>59</sup>
  - b. Accessible voting machine not being plugged in or charged.<sup>60</sup>
  - c. Poll workers not being trained on how to use the accessible voting machine.<sup>61</sup>
  - d. During the 2016 presidential election, many poll workers were instructed to prioritize counting or checking the absentee lists first before accommodating citizens who turned out to vote in person. At some polling places, this caused long wait times.<sup>62</sup>
9. Redistricting in Indiana may have a negative impact on the integrity of elections by limiting the competitiveness of Indiana elections.<sup>63</sup>
- a. Research indicates that the current redistricting plan in Indiana may create a bias that disproportionately benefits Republican candidates.<sup>64</sup> When districts are drawn to benefit a particular party, it undermines the democratic process, so much so, that some incumbents run unopposed.<sup>65</sup>
  - b. While a local Elections Committee exists to oversee the redistricting process and ensure its fairness, the Committee has reportedly refused to review challenges to some of the proposed redistricting plans, undermining voters' faith in the electoral process.<sup>66</sup>

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<sup>59</sup> Adams Testimony, *Meeting Transcript III*, p. 69 lines 17-23

<sup>60</sup> *Ibid.*

<sup>61</sup> *Ibid.*

<sup>62</sup> Vaughn Testimony, *Meeting Transcript III*, p. 102 lines 2-3 Chicago Lawyers' Committee Statement at 3-4.

<sup>63</sup> Vaughn Testimony, *Meeting Transcript III*, p. 87 lines 6-11 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 245 lines 13-18 Maguire Testimony, *Meeting Transcript III*, p. 248 lines 15-25 Bolling-Williams Testimony, *Meeting Transcript IV*, p. 25 lines 13-15 Locker Testimony, *Meeting Transcript II*, p. 8 lines 18-24 Robinson-Ungar Testimony, *Meeting Transcript II*, p. 10 line 23 – p. 11 line 2 Professor Justin Levitt, Associate Dean for Research, Loyola Law School, Written Statement for the Indiana Advisory Committee to the U.S. Commission on Civil Rights, Apr. 30, 2018 (*hereinafter cited as Levitt Statement*) at 4.

<sup>64</sup> Vaughn Testimony, *Meeting Transcript III*, p. 87 lines 6-14 Groth Testimony, *Meeting Transcript III*, p. 20 lines 6-11 Celestino-Horseman Testimony, *Meeting Transcript III*, p. 245 lines 3-6.

<sup>65</sup> Celestino-Horseman Testimony, *Meeting Transcript III*, p. 245 lines 2-6 Maguire Testimony, *Meeting Transcript III*, p. 249 lines 9-13 Levitt Statement I Justin Levitt, testimony, *Hearing Before the Census Data Advisory Committee*, Sept. 29, 2009, p. 2-3 (*hereinafter cited as Census Hearing*) Levitt Statement at 4.

<sup>66</sup> Hoyer Testimony, *Meeting Transcript III*, pp. 79 lines 15-20, 119 line 17 – 120 line 5.

- c. Panelists emphasized that as the next census approaches, it is important for the State of Indiana to get an accurate count of the size and location of minorities and minority communities to ensure fair representation.<sup>67</sup>
  - d. Reforming the redistricting process has never occurred through the legislative process and has only been successful through the ballot initiative.<sup>68</sup>
10. Panelists emphasized the importance of being able to verify the accuracy of election outcomes and to audit election records.
- a. In February 2018, the Center for American Progress released a report<sup>69</sup> on election security in all 50 states; Indiana received an “F.” The justifications given for the failing letter grade included that “the voting machines do not provide a paper record and fail to mandate robust post-election audits that test accuracy of election outcomes.”<sup>70</sup>
  - b. The Indiana Secretary of State’s Office is currently piloting a multifactor authentication mechanism as advised by the FBI and Department of Homeland Security to prevent vulnerabilities in the future.<sup>71</sup> The state also maintains a decentralized statewide system for tabulating ballots and machines are not connected to each other or the Internet.<sup>72</sup>
11. The Indiana State Police investigation of the Indiana Voter Registration Project (IVRP), an organization that initiated a registration drive in Indiana in 2016 targeting underrepresented African American communities, may have delayed or hampered legitimate voter registration efforts and incited fear among voters.<sup>73</sup> In response to this finding, the Secretary of State’s Office reported that this investigation resulted in a finding of suspicious voter registration applications and related arrests.<sup>74</sup>
- a. The Committee heard testimony from an individual who tried to register to vote at the Genesis Center in Gary, IN shortly before registration forms were seized in

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<sup>67</sup> Monroy Testimony, *Meeting Transcript III*, p. 97 lines 4-6.

<sup>68</sup> Vaughn Testimony, *Meeting Transcript III*, p. 122 lines 5-10.

<sup>69</sup> Danielle Root, Liz Kennedy, Michael Sozan, Jerry Parshall, “Election Security in all 50 States,” *Center for American Progress*, February 12, 2018, <https://www.americanprogress.org/issues/democracy/reports/2018/02/12/446336/election-security-50-states/> (last accessed June 26, 2018)

<sup>70</sup> Locker Testimony, *Meeting Transcript II*, p. 9 line 26 – p. 10 line 3

<sup>71</sup> Clifton Testimony, *Meeting Transcript III*, p. 221 lines 9-18.

<sup>72</sup> *Ibid.* p. 220 lines 7-10.

<sup>73</sup> Chicago Lawyers’ Committee Statement at 4-6; Pema Levy, “Pence’s Perch atop Trump’s Voter Fraud Commission at Suppression Efforts,” *Mother Jones*, May 12, 2017, <https://www.motherjones.com/politics/2017/05/how-will-trump-turn-voter-fraud-accusations-voter-suppression/>. (last accessed June 27, 2018).

<sup>74</sup> Comment submitted by the IN Secretary of State’s Office on April 3, 2018.



Marion and Lake County.<sup>75</sup> By the time she checked to see if her registration was processed and learned it was not, it was too late to register and she was unable to vote in the 2016 presidential election.<sup>76</sup>

## 12. Access to Information

- a. Education level is an important characteristic in terms of predicting voter turnout.<sup>77</sup> College youth are much more likely to be registered to vote than non-college youth, thus, there is a need to reach people in high school.<sup>78</sup>
- b. While Indiana does have a civic education requirement for high school graduation, civics is not subject to a statewide assessment, nor is there a standard curriculum.<sup>79</sup> Thus, while many schools take initiative to include civic education on their own, there is a lack of uniformity.<sup>80</sup> Children who do not have access to high quality civic education programs that have been tested and proven effective may not have the same likelihood of political participation.<sup>81</sup>
- c. Research suggests that minority groups including first- or second generation immigrants, Latinos, African American students, and students of low socioeconomic status may benefit most from high quality civics education.<sup>82</sup>
- d. Research suggests that some communities, particularly immigrant communities, are most likely to participate in the electoral process when they feel both a potential political threat and a sense of possible policy opportunity that can improve the status quo of their community.<sup>83</sup>

13. Classroom based registration drives are an effective way to get young people registered to vote especially because the registration happens in-person.<sup>84</sup> Voter mobilization literature finds that the more personalized the approach, the more effective it is to get people to the polls; this applies to seniors in high school, college students, or other demographics.<sup>85</sup>

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<sup>75</sup> Spange Testimony, *Meeting Transcript IV*, p. 27 lines 1-26.

<sup>76</sup> *Ibid.*

<sup>77</sup> Bennion Testimony, *Meeting Transcript I*, p. 21 lines 7-8.

<sup>78</sup> *Ibid.* p. 14 lines 13-23.

<sup>79</sup> Indiana Department of Education, "Civics Education," <https://www.doe.in.gov/standards/civics-education>. (last accessed June 25, 2018); Indiana Kids' Election, "Curriculum Overview," <http://inkidselection.com/about-the-indiana-kids-election/curriculum-overview/> (last accessed June 25, 2018).

<sup>80</sup> Bennion Testimony, *Meeting Transcript I*, p. 15 lines 5-21 Campbell Testimony, *Meeting Transcript III*, p. 190 lines 10-14.

<sup>81</sup> Bennion Testimony, *Meeting Transcript I*, p. 15 lines 5-21.

<sup>82</sup> Campbell Testimony, *Meeting Transcript III*, pp. 187 lines 1-3, 190 lines 1, 18-20.

<sup>83</sup> Cruz-Nichols Testimony, *Meeting Transcript III*, pp. 172 lines 15-18, 173 lines 4-17.

<sup>84</sup> Bennion Testimony, *Meeting Transcript I*, p. 8-9.

<sup>85</sup> Bennion Testimony, *Meeting Transcript I*, p. 10 Hollis Testimony, *Meeting Transcript III*, pp. 235 lines 20-25, 236 lines 1-4

## **Recommendations:**

Among their duties, advisory committees of the Commission are authorized to advise the Agency (1) concerning matters related to discrimination or a denial of equal protection of the laws under the Constitution and the effect of the laws and policies of the Federal Government with respect to equal protection of the laws; and (2) upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress.<sup>86</sup> In keeping with these responsibilities, and in consideration of the testimony heard on this topic, the Indiana Advisory Committee submits the following recommendations to the Commission. The Committee recommends that the U.S. Commission on Civil Rights consider these findings and recommendations in their 2018 Statutory Enforcement Report to Congress and the President.

1. As a part of their 2018 statutory enforcement report on voting rights, the U.S. Commission on Civil Rights should:
  - a. Conduct an analysis of the accuracy of the interstate “Crosscheck” Program currently used by the Indiana Secretary of State to identify voters who may be registered in more than one state. The analysis should also seek to understand whether minority voters are disproportionately falsely identified as being double-registered in the system.
  - b. Review all findings and recommendations contained within this report.
  - c. Further investigate areas of concern within their jurisdiction and take appropriate action to address them.
2. The U.S. Commission on Civil Rights should issue the following formal recommendation to Indiana’s Secretary of State:
  - a. Suspend use of the Crosscheck Program until a more accurate method for identifying voters registered in multiple locations is identified.
  - b. Collaborate with the Indiana Department of Corrections to develop a process by which eligible inmates can register to vote and cast a ballot while incarcerated.
  - c. Encourage County Election Boards throughout the state to increase minority language access at the polls where significant numbers of bilingual or non-English speaking voters reside, even if the population does not yet meet the minimum threshold to require language access under Section 203 of the Voting Rights Act.
3. The U.S. Commission on Civil Rights should issue a formal recommendation to the Indiana Department of Corrections that the Department collaborate with the Indiana Secretary of State to develop a process by which eligible inmates can register to vote and cast a ballot while incarcerated.
4. The U.S. Commission on Civil Rights should issue the following formal recommendation to the Indiana Department of Education:

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<sup>86</sup> 45 C.F.R. § 703.2.(a)

- a. The department should identify and implement civic education standards regarding voting and the electoral process uniformly in public education systems throughout the state.
5. The U.S. Commission on Civil Rights should issue the following formal recommendation to the Indiana Legislature:
  - a. The legislature should establish a bi-partisan committee to draw redistricting lines to ensure a more fair and democratic voting process.
  - b. In the redistricting process, the legislature should count incarcerated individuals at their last known address, rather than in the jurisdiction where they are temporarily, involuntarily confined.
  - c. The legislature should expand voter identification options to include non-government issued IDs. Examples of acceptable identification may include student ID, work ID, or ID from a different state.
  - d. The legislature should expand absentee voting to allow all registered voters to vote by mail if they choose.
  - e. The legislature should extend voting hours until 7 PM to allow more flexibility for eligible voters with more stringent schedules.
6. The U.S. Commission on Civil Rights should issue a formal recommendation to the U.S. Census Bureau to remove all questions regarding citizenship status on the decennial Census until rigorous testing is conducted to determine the impact of such a change.
7. The U.S. Commission on Civil Rights should issue a letter to the Indiana Governor, the Indiana Legislature, and the Indiana Secretary of State's Office urging them to:
  - a. Review the findings and recommendations contained within this report.
  - b. Further investigate areas of concern within their jurisdiction and take appropriate action to address them.

## **APPENDIX**

### **A. Hearing Transcripts**

1. Transcript I: February 12, 2018 Public Hearing (web-based)
2. Transcript II: February 17, 2018 Evansville, IN Community Forum
3. Transcript III: March 2, 2018 Public Hearing, Indianapolis, IN
4. Transcript IV: March 31, 2018 Gary, IN Community Forum

### **B. Written Testimony**

1. Joe Micon, Executive Director, Lafayette Urban Ministry
2. Ami Gandhi and Matthew J. Owens, Chicago Lawyer's Committee for Civil Rights
3. Jerold Bonnett, General Counsel, Office of the Indiana Secretary of State
4. Kyle Hupfer, Chairman, Indian Republican Party
5. Justin Levitt, Professor of Law, Loyola Law School Los Angeles
6. John Coco, Social Worker, IN Citizen

## Indiana Advisory Committee to the United States Commission on Civil Rights



### U. S. Commission on Civil Rights Contact

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USCCR Contact	Regional Programs Unit U.S. Commission on Civil Rights 230 S. Dearborn, Suite 2120 Chicago IL, 60604 (312) 353-8311
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*This advisory memorandum is the work of the Indiana Advisory Committee to the U.S. Commission on Civil Rights. The memorandum, which may rely on studies and data generated by third parties, is not subject to an independent review by Commission staff. State Advisory Committee reports to the Commission are wholly independent and reviewed by Commission staff only for legal and procedural compliance with Commission policies and procedures. State Advisory Committee reports are not subject to Commission approval, fact-checking, or policy changes. The views expressed in this memorandum and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.*

Voting Rights in Indiana: February 12, 2018  
 Indiana Advisory Committee to the U.S. Commission on Civil Rights

1 Speaker 1: Please standby. We're about to begin. Good day everyone, and welcome to the  
 2 US Commission on Civil Rights Indiana Advisory Committee conference call.  
 3 Today's conference is being recorded. At this time, I'd like to turn the  
 4 conference over to Ms. Diane Clements-Boyd. Please go ahead.

5 Diane C-B: Thank you, and good afternoon. This meeting of the Indiana Advisory  
 6 Committee to the US Commission on Civil Rights shall come to order. For the  
 7 benefit of those in the audience, I shall introduce my colleagues and myself. My  
 8 name is Diane Clements-Boyd, and I have the privilege of serving as the  
 9 chairperson of the Indiana Advisory Committee. The following members of the  
 10 committee also on this call are James Haigh, Billy McGill, Patti O'Callaghan,  
 11 Ernesto Palomo, and Ellen Wu. Also present are Melissa Wojnaroski, civil rights  
 12 analyst, and Nicole Winston, civil rights intern.

13 The US Commission on Civil Rights is an independent bipartisan agency of the  
 14 federal government charged with studying discrimination or denial of equal  
 15 protection of the law because of race, color, religion, sex, age, disability, or  
 16 national origin, or in the administration of justice. In each of the 50 states and  
 17 the District of Columbia an Advisory Committee to the Commission has been  
 18 established, and they are made up of responsible persons who serve without  
 19 compensation to advise the commission on relevant information concerning  
 20 their respective states.

21 Today, our purpose is to hear testimony regarding voting rights in Indiana in an  
 22 effort to discern if there are discriminatory barriers to voting [inaudible  
 23 00:02:07]. If speakers begin to veer away from the civil rights questions at hand  
 24 to discuss possibly important but unrelated topics, I will interrupt and ask them  
 25 to refrain from doing so. At the outset, I want to remind everyone that this  
 26 meeting is being recorded and will be transcribed for the public record. I also  
 27 wish to remind everyone that today's meeting is part one of a three part series  
 28 the committee will hear on this topic.

29 On Saturday, February 17th, the committee will hold an open community forum  
 30 to hear from any individual who wishes to share his or her experiences voting in  
 31 Indiana. This meeting will take place at the Evansville Central Library, 200 South  
 32 East Martin Luther King Junior Boulevard, Evansville Indiana, 47713. On Friday,  
 33 March 2nd, the committee has arranged to hear additional panel testimony, and  
 34 will also accommodate public comment, at Ivy Tech Community College Event  
 35 Center, 2820 North Meridian Street, Indianapolis, Indiana, 46208. We hope that  
 36 you will join us for one or both of these meetings as well. We are fortunate and  
 37 thankful to have such balanced and diverse panelists to share with us at both  
 38 meetings.

39 I would also like to present the ground rules for today's meeting. This is a public  
 40 meeting, open to the media, and the general public. We have a very full  
 41 schedule of people who will be making presentations within the limited time

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1 available. The time allotted for each presentation must be strictly adhered to.  
2 This will include a presentation by each panelist of approximately 15 minutes.  
3 After all the panelists have concluded their statements, the committee will  
4 engage them in questions and answers.

5 To accommodate persons who are not on the agenda but wish to make  
6 statements, we have scheduled an open session today at 4:15 Eastern Time. At  
7 the appropriate time, when indicated by the operator to do so, anyone wishing  
8 to make a statement should press \*1 on their phone to request that their line  
9 be unmuted. In addition, written statements may be submitted by mail to the  
10 US Commission on Civil Rights at 55 West Monroe Street, Suite 410, Chicago,  
11 Illinois, 60603, or by email to mwrointern2@usccr.gov. Please call area code  
12 312-353-8311 for more information.

13 Though some of the statements made today may be controversial, we want to  
14 ensure that all invited guests do not defame or degrade any person or any  
15 organization. As the chair, I reserve the privilege to cut short any statements  
16 that defame, degrade, or do not pertain to the issue at hand. In order to ensure  
17 that all aspects of these issues are represented, knowledgeable persons with a  
18 wide variety of experience and viewpoints have been invited to share  
19 information with us. Any person or any organization that feels defamed or  
20 degraded by statements made in these proceedings may provide a public  
21 response during the open comment period. Alternately, such persons or  
22 organizations can file written statements for inclusion in the proceedings. I urge  
23 all persons making presentations to be judicious in their statements. The  
24 Advisory Committee does appreciate the willingness of all participants to share  
25 their views and experiences with this committee.

26 Finally, the rules for the question and answer portion of the panel discussions  
27 are as follows. The committee may ask questions of the entire panel or  
28 individual members of the panel after all panelists have had the opportunity to  
29 provide their prepared statements. Advisory Committee members must be  
30 recognized by the chair before asking any questions of the participants. In  
31 addition, because of the large number of members and short amount of time,  
32 each committee member will be limited to one question plus a follow-up. When  
33 five minutes are left in the session, the chair will announce that the last  
34 question may be asked.

35 Now, so please allow me to introduce the panel. We have with us today Ms.  
36 Arusha Gordon, counsel with the Voting Rights Project of the Lawyers'  
37 Committee for Civil Rights Under Law, and Dr. Elizabeth A. Bennion, Professor of  
38 Political Science at Indiana University, South Bend. Now we will hear from Ms.  
39 Arusha Gordon. Ms. Gordon, welcome, and please proceed when you are ready.

40 Arusha Gordon: Thank you. My name is Arusha Gordon, and as mentioned, I'm counsel at the  
41 Voting Rights Project of the Lawyers' Committee for Civil Rights Under Law. The  
42 Lawyers' Committee for Civil Rights Under Law is a national civil rights



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organization founded at the request of President John F. Kennedy in 1963 to help bring the private bar and private attorneys into the fight for civil rights. Today, we work in a variety of areas. First and foremost, we work in voting rights. We also work on education issues, economic justice, criminal justice, housing issues, and hate crimes.

The Voting Project of the Lawyers' Committee for Civil Rights Under Law uses both litigation and programmatic efforts in the fight for voting rights. This slide just shows a quick map of some of the litigation we've filed in recent years, although it's not quite up to date, but just to give a quick overview of where we've been working and the kinds of cases we bring.

We also help operate Election Protection, which is the nation's largest nonpartisan voter protection coalition. Election Protection has two main goals. The first is voter assistance. Under that bucket, we run three national hotlines; 866-OUR-VOTE, which takes calls in English, as well as two other call hotlines, which accept calls in Spanish and then Asian languages. We also run field programs where we send trained volunteers out to polling places on election day to monitor, and observe, and help voters. We also help engage in voter education.

In addition, we work on systemic reform and addressing more systemic issues. Part of what we do is we collect the data from our hotlines and our field programs, and that allows us to identify trends in the data, either happening at the local level ... for instance, if a bunch of polling places are having the same issue ... or state wide, or even nationally. That also means that we can engage in advocacy with grassroots partners on the ground.

For instance, in 2016 we learned about the raid of a voter registration organization in Indiana prior to the election, and the voter registration organization predominately helped register African American residents. So, we sent a letter to the Secretary of State asking her to take steps to ensure that eligible voters who signed up through the voter registration drives organized by that organization, and who were in fact eligible, would not be disenfranchised. Approximately 4,500 residents, mostly African Americans, were potentially impacted by that raid.

Next, I wanted to just provide a little bit of an overview of the types of things we hear from Indiana voters. Most of this focuses on the data we collected after the ... in the lead up, and during the 2016 election. This really is taking a look at the database where we collect all our hotline calls, and our reports to our polling place volunteers. The first bucket of issues we really see are registration issues. This really does include a large bulk of the calls we get. Most of our calls are to verify voter registration information. People want to make sure they are still registered. They want to check their polling place. They want to make sure that if they moved, their registration has been updated, et cetera. That's one big bucket of calls we get.

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1 This slide really just shows a few examples from tickets from our database of  
2 calls in 2016. This is just kind of a sample of the tickets that are entered by our  
3 trained volunteers. For instance, we have voters trying to register to vote in  
4 Indiana, but using a New Jersey driver's license, and they're confused about how  
5 to complete the registration process. Similarly, someone whose daughter  
6 doesn't have a driver's license and is having a hard time submitting the voter  
7 registration form, or questions from someone who has moved and isn't sure  
8 where to vote.

9 We've also received questions about voter ID issues in Indiana. As folks might be  
10 aware, there are four basic requirements under Indiana's photo ID law. In order  
11 to vote in Indiana, a regular ballot, your photo ID must: one, display your photo;  
12 two, have your name, and the name must conform to your voter registration  
13 record; three, it needs to have an expiration date and either be current or have  
14 expired sometime after the date of the last general election; and finally, it needs  
15 to be issued by the state of Indiana or by the US government.

16 Voters are sometimes confused by those requirements, and give us a call. One  
17 question we get is if they have out-of-state IDs, and if they can still vote. Of  
18 course, they can't unfortunately. They need to have an ID issued by Indiana or  
19 by the US. For instance, a student at a private college in Indiana would not be  
20 able to use that ID, because it's a private college, not an Indiana state school.

21 This is just an example of some tickets concerning ID requirements. One person  
22 was turned away because he had the incorrect the address on his driver's  
23 license, but he was eventually able to vote. What's interesting there is the  
24 criteria in Indiana don't actually indicate the address component needing to  
25 match, so that's a ticket would probably need to have some additional research.  
26 And another voter, who's registered, but doesn't have ID and needs help  
27 obtaining ID.

28 Additional issues we see really run a pretty wide range. There's a bunch of  
29 issues we'll hear from voters having difficulties accessing the ballot in different  
30 ways. A large portion of our calls in 2016 were about early voting, and how to  
31 vote before election day ... voters concerned that they would be out of town  
32 traveling, and wanted to know where, and when, and how to vote. We also had  
33 questions about absentee ballots. A number of callers called us in 2016 because  
34 they had requested an absentee ballot but had not received, or had received it  
35 right before the deadline, and didn't think they were going to have time to get it  
36 back.

37 We also have some voters call in with accessibility issues. This ticket notes that  
38 there was an older voter who was handicapped, can't drive to the polling place,  
39 is 90% blind and would like to vote absentee, and needs help doing that. We'll  
40 also occasionally get calls concerning felony disenfranchisement. This ticket  
41 indicates that the caller wanted to know if he could vote, even though he has a  
42 conviction. There's also frequently issues at polling places that get reported to

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1 our hotline. Issues of intimidation might include false information, or misleading  
2 information. For instance, this caller noted that he had received a text message  
3 that the poll is only open from 5:30 to 6:30 PM, which is of course incorrect.

4 We also get some calls concerning the behavior of poll workers, which might be  
5 unintentional, or just due to poor training. Sometimes it could be intentional,  
6 which raises additional red flags. Two examples of that is one caller called in to  
7 report that over 100 voters were turned away and not allowed to vote, even  
8 though they were in line by 6 PM. Voters who are in line by the time the polls  
9 close are of course allowed to vote. Or another caller reported that when they  
10 went to the polls at 6:30 in the morning, the poll worker was telling voters not  
11 to quote "waste their time. Just vote a straight ticket," end quote, which of  
12 course is inappropriate behavior. In those instances, our trained volunteers  
13 would flag those tickets, and we would work with our grassroots partners to  
14 report this, and to get the poll worker informed of what they can and cannot be  
15 telling voters, and kind of the correct behavior.

16 We also occasionally get calls around broken equipment. In Indiana in 2016, we  
17 had a few calls reporting that computers were down at their location ...  
18 electronic voting machines, and so that they had to vote by paper ballot, and  
19 some voters kind of concerned about whether that would mean ... if their paper  
20 ballot would still be counted. Finally, we get calls about long lines. This caller  
21 was calling to report a long line at an early voting [inaudible 00:17:29].

22 This chart just gives a breakdown of the different types of issues reported to our  
23 hotline. The numbers here are not entirely accurate. As I believe, this only  
24 shows one issue flagged kind of at the top of the ticket, and our tickets of course  
25 can have more than one issue if someone calls in with both a question about  
26 where to register to vote ... sorry, how to register to vote, and also what ID they  
27 need to vote on election day. I just wanted to share this though, to give a sense  
28 of the fact that really most of our calls are about voter registration, polling  
29 places, and then the others kind of break down to ballot issues, which can really  
30 be pretty broad, as well as general inquiries.

31 I'll come back to that. Finally, I wanted to just discuss some of the issues  
32 currently in Indiana around voting rights. The first one is voter purges. The ACLU  
33 filed a lawsuit on behalf of Common Cause Indiana just a few months ago  
34 challenging an Indiana law that permits local election authorities to immediately  
35 purge the registration of Indiana voters without any kind of written  
36 confirmation from the voter, or any kind of notice, or any kind of waiting period,  
37 but simply based on a match in the Interstate Voter Registration Crosscheck  
38 Program, frequently just known as Crosscheck.

39 Crosscheck is a program administered by the Kansas Secretary of State, Kris  
40 Kobach, and has frequently been criticized for being inaccurate and unreliable.  
41 One study by a team of researchers at Stanford and Harvard found that  
42 Crosscheck incorrectly flags people as potential double voters more than 99% of

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1 the time. The suit filed by the ACLU charges that Indiana's purge procedures  
2 based on Crosscheck violate the national voter registration act, which mandates  
3 very strict notice and waiting period requirements before a state can remove a  
4 voter based on changed residence. There's these checks in place to make sure  
5 that a voter is given the opportunity to respond before they are purged from  
6 the voter registration rolls.

7 We've also seen a number of issues concerning cuts to polling places and early  
8 vote sites. Two lawsuits were filed last year concerning this issue. In May of  
9 2017, Common Cause Indiana and two branches of the NAACP filed a federal  
10 lawsuit to challenge a law that governs early voting in Marion County. After  
11 President Barack Obama narrowly carried Indiana in 2008, due in ... some would  
12 argue ... to high African American turnout in the Indianapolis Marion County  
13 area, early vote sites in Indianapolis were cut. Between 2000 and 2016, officials  
14 reduced the number of early voting stations in Marion County from three to  
15 one, which resulted in a 26% decline in absentee votes in the 2016 presidential  
16 election. I should also note that early votes are cast via absentee ballots in  
17 Indiana.

18 At the same time, officials added two early voting stations to the neighboring  
19 Hamilton County, which is populated primarily by White Republicans. Hamilton  
20 County saw a 53% increase in absentee voting in 2016. As a result, there is now  
21 one early voting station for approximately every 100,000 voters in Hamilton  
22 County, but only 1 for every 700,000 voters in Marion County. However, just  
23 very recently, last month, the Marion County election board voted to approve a  
24 transition to vote centers. Vote centers will allow voters to cast their ballot at  
25 any open polling location. The plan is to turn all 300 current polling locations  
26 into vote centers on election day in the county. That means the move will do  
27 away with the precinct model of voting, and allow voters to go to any polling  
28 location, arguably making it more convenient. Several of those centers will be  
29 open for early voting as well.

30 There's a number of pros and cons to vote centers. On the positive side, it  
31 means citizens of course have more flexibility. They can vote near home, but if  
32 they can't make it to the voting center closest to their home, they can also step  
33 out from work or school, and just go to the nearest place. They don't have to  
34 rush to get back to their precinct or designated polling place. Also, with fewer  
35 locations to staff election day expenses can be reduced, and because of the  
36 convenience turnout might increase. However, vote centers can also cause  
37 confusion if the switch isn't well publicized and explained to the public. The  
38 centers also change the traditional civic experience of voting with neighbors at a  
39 local school, church, or other polling place.

40 Also last year, in August of 2017, a law was passed requiring Lake County, which  
41 is home to the second largest African American population and the largest  
42 Latino population in the state, to consolidate polling locations that had 600 or  
43 fewer active voters assigned to that location as of November 2016. Senate Bill

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220 applied only to Lake County, and would not require any other county in the state to make such provisions. Of the 522 election precincts in the county, more than half are at risk of consolidation. The Indiana State Conference of the NAACP filed a lawsuit against the state arguing that the law violated Section 2 of the Voting Rights Act, which requires equal opportunities for voters, as well as the 14th Amendment to the US Constitution. Both of those cases are ongoing.

Finally, one of the hot issues of course in today's conversations about voting rights involves photo ID. Indiana's photo ID law is one of the most stringent laws in the country, and has been in place for some years now. There's been some debate as to the impact of that law. Some researchers have found quote "strong and statistical differences with respect to access to valid photo identification that significantly reduces the opportunity to vote for minority, low income, less educated, and the youngest and oldest residents of Indiana," end quote. Researchers have also found that among eligible voters, 83.2% of Whites in Indiana have the correct credentials to vote compared to just 71.7% of Blacks in Indiana, which is a statistically significant difference.

At the same time, other researchers, including Professor Michael Pitts at the University of Indiana have found that Indiana's photo identification law has a relative small overall actual disenfranchising impact on the electorate. But, to dig into this deeper requires a look at exactly what those researchers were examining. For instance, Professor Pitts at the University of Indiana only looked at provisional ballots that were ... at voters who were forced to use a provisional ballot because they didn't have photo ID. It didn't include voters who didn't even try to go to the polls because they didn't have photo ID. So, I'll stop there, and happy to take questions after.

Male: Thank you.

Diane C-B: Thank you so much, Ms. Gordon. We will now hear from Dr. Elizabeth Bennion. Dr. Bennion, thank you for being here today. When you're ready, please proceed.

Dr. Bennion: Thank you very much. It's my pleasure to speak with you today. I am Elizabeth Bennion. I'm a professor of political science at Indiana University, South Bend, where I teach American politics, conduct research on voter registration and mobilization techniques using randomized field experiments, and am engaged in service for our campus, university, and community. Two of the primary service opportunities that I have are as campus director for our American Democracy Project, which is a nonpartisan initiative designed to equip college students with the civic knowledge, skills, and values they need to become engaged citizens and make a meaningful difference in their communities, and also I serve as director of voter services and education for the local League of Women Voters, which is a nonpartisan organization that encourages and formed an active participation in our democracy.

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1           What I want to do is talk just a little bit about what we know from the political  
2           science literature, what we know from my own research, and then the kinds of  
3           things that we are doing through the American Democracy Project and the  
4           League of Women Voters, and what that might mean for the rest of the state,  
5           and what challenges we sometimes face in trying to promote active citizenship  
6           and electoral engagement across the political spectrum and also across different  
7           demographic groups in the state of Indiana. We know, for example, that  
8           requiring citizens to register to vote has a negative effect on turnout rates, and  
9           that reforms in the voter registration process can lower this barrier. They can of  
10          course either make it more difficult, or easier to register, depending on the  
11          reform.

12          Civic leaders for many, many decades have attempted to reform the voter  
13          registration process to make it less costly with the expectation that more  
14          convenience will result in higher registration, and as a result, higher turnout as  
15          well. Some of the reforms that we have good evidence actually work include  
16          election day registration, which we do not yet have in Indiana, where you can  
17          show up at the polls with your proof of identification and proof of residency and  
18          register and vote in the same day. Mail based by registration is a very small but  
19          positive effect. We do allow people to register in person, by mail, or online in  
20          Indiana. Online registration is something that we're beginning to study in a  
21          rigorous way. Initial analyses do indicate that it increases registration rates.

22          The latest reform of automatic voter registration is one that would place any  
23          citizen who has obtained, renewed, or updated a driver's license or state ID  
24          onto the voter rolls unless that voter explicitly opts out of being registered to  
25          vote. We would expect that that would increase both registration rates and  
26          turnout, because in general programs that somebody has to opt out of, rather  
27          than opt in to, have much higher participation rates. In fact, initial assessments  
28          of those early automatic voter registration programs find increases in both  
29          registration and turnout, and so that might be something for Indiana to consider  
30          in the future.

31          A couple of studies that I've done because I try to link my research to my work  
32          to educate and engage young people in the politic process with the hope that  
33          they will then become lifelong voters, is to think about how colleges and  
34          universities can get young people involved in the process. The first step there,  
35          because we do require preregistration a month in advance, is to get them  
36          registered. One thing that we know is that classroom based registration drives  
37          work. This is sitting down with students face to face, talking to them about the  
38          importance of registering and voting, and actually having them fill out those  
39          forms, turning in those forms for them.

40          This study was 16 campuses with over 1,000 classrooms and about 23,000  
41          students, and we found that there was a six percentage point increase in  
42          registrations and a good number of those students, about 40%, actually  
43          translated that registration presentation into a vote. This is randomly comparing

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1 the control group to the treatment group, and also then looking at their actual  
2 voting behavior. We do see that that face to face, personalized approach would  
3 be worth the 10 minutes of class time per year that it takes.

4 Email outreach is another approach. It's easier than classroom efforts; however,  
5 we see that it is not terribly effective. It will allow a campus to comply with the  
6 legal requirement to make registration available to all students who are  
7 enrolled and seeking a degree at the institution, but a field experiment that  
8 David Nickerson and I conducted, again using randomized treatment with a  
9 student directory, and then comparing the group that received these emails  
10 linking them to a PDF downloadable mail it in form and those who did not  
11 receive those email reminders, found no statistically significant difference. This  
12 was a large population of about 260,000 students.

13 So we know that really these face to face approaches work best, and we  
14 hypothesize that this would be true whether you're talking about seniors in high  
15 school, or college students, or other demographic groups. It's consistent with  
16 the voter mobilization literature, which finds that the more personalized the  
17 approach you take, the more it works to actually get people to the polls. It's  
18 important as we think about different demographic groups, to think about  
19 whether or not our outreach and efforts to educate folks about what it takes to  
20 register, to educate people about the correct election day, about  
21 IndianaVoters.com, and how they find out the answers to those questions that  
22 people were calling Arusha and her colleagues to ask, that everybody actually  
23 has access to this information, and to these face to face educational approaches  
24 in our K-12 system, as well as in higher education.

25 One of the things we wanted to find out was whether we could make email  
26 more useful if we linked students directly to the online registration system,  
27 because Indiana did adopt that system. There was an opportunity to do a  
28 follow-up study. This was in 2010. This time we took a third of the students did  
29 not receive these particular emails. There could still be registration tables on  
30 their campus, and other registration outreach, but this is the effect of those  
31 emails alone ... a PDF form, again, the downloadable, and then a link to the  
32 online registration system. Here with about 200,000 students in the study, we  
33 found a small but positive effect.

34 If we look only at those students who were not registered before the  
35 experiment, we find a 1.27 percentage point increase, so that's a pretty small ...  
36 about a third of those folks then actually translated that into an actual vote. So  
37 you can see there every 10,000 students, that would only be about 44 votes, but  
38 it's cheap, virtually free, to do. It won't hurt, but the big message is that still face  
39 to face outreach of educators, but also of civic groups is incredibly important in  
40 getting the word out, and making sure that all populations understand that they  
41 need to be registered in advance if they are not to lose their access to their  
42 franchise.



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1 Our overall vision is a politics 365 vision. This term comes from a chapter in a  
2 book that I recently co-edited. This chapter is by Nancy Thomas and Margaret  
3 Brower and they look at college campuses that are positive outliers, who vote at  
4 rates 5 to 20% higher than predicted based on their demographics. What they  
5 find is that it's not just what you do immediately before or during an election  
6 season, but the people who vote at the highest rates, the campuses that vote at  
7 the highest rates across the board, across demographic groups are campuses  
8 that really are having pervasive political learning and engagement being  
9 practiced and modeled throughout the year. So peer to peer relationships, peer  
10 to faculty relationships, are trusting, they're supportive. Diversity is seen as a  
11 valued educational asset with all people contributing their background  
12 experiences and life experiences as part of what they discuss and bring to the  
13 classroom, with high numbers of students doing study abroad and getting  
14 financial support to do that. Pervasive political discussions that are respectful  
15 and evidenced based, and open classrooms.

16 This is something we also find in the civic education literature for the K-12  
17 education, where we find studies by Diana Hess at Georgetown show that the  
18 type of civic education experiences students have in K-12 education, that some  
19 are very, very successful in promoting life long civic and political participation. In  
20 particular, an open classroom, where a teacher encourages students to discuss  
21 and debate controversial ideas, and to hear from everybody, and to practice  
22 active listening skills. So this is something that we can promote. There are  
23 legislators like Republican Timothy Wesco from Osceola, who recommended a  
24 high school requirement of a civics test. And evidence from David Campbell at  
25 Notre Dame actually suggests that a high stakes civics test does result in  
26 increased civic knowledge, particularly for Latino students and other groups that  
27 may not have had as much exposure to that knowledge in the home. So those  
28 are other kinds of things to think about what state education policy should look  
29 like to make sure that everybody has an opportunity for that civic knowledge.

30 The book I mentioned, and a follow-up book are both freely available online.  
31 I've included the links here. There's no charge, so the public can download any  
32 of those chapters including some of the research that was mentioned earlier.  
33 With League of Women Voters then, we try to think about these lessons, and  
34 participate in the high school voter registration project. This is something that  
35 can be scaled up. The League has registered about 4,000 this way, by going into  
36 the classroom. Also, naturalization ceremonies in South Bend courthouse ... the  
37 League has registered approximately, the local League, about 1,000 people who  
38 are new citizens and eager to do their civic duty. The League provides  
39 nonpartisan voter guides where the candidates themselves enter their  
40 responses to a series of policy questions, so that voters can compare them side  
41 by side. We also host candidate debates and forums for local, state, and  
42 national offices, and lunch with the League, so that people are talking about  
43 political ideas and policy issues, and can hear diverse viewpoints once every  
44 month. Again, not making it only about election season.

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1 The American Democracy Project is similar. We work on campus and we partner  
2 with the League and with other organizations to host debates and debate watch  
3 parties for offices like governor, us senate, and president. We host nonpartisan  
4 voter registration drives and information tables, answering a lot of those  
5 questions as the previous presenter noted folks are calling in about frequently.  
6 We also think about that pervasiveness of these political discussions, and have  
7 regular pizza and politics series, where we might discuss immigration, gun  
8 control, a wide variety of issues ... gerrymandering, and encourage people, and  
9 set the ground rules for respectful dialogue and discussion. This is something  
10 we'll need to encourage people throughout the state, and throughout the  
11 country to practice if we're going to improve the tenor and tone of our politics.

12 Finally, we host civic leadership academies. The topics of these academies,  
13 which I think could serve as a model for other places in the state, would be  
14 determined by what the community is asking to know about. Here are some of  
15 the topics we've covered. Recently, we had a six part series that looked at  
16 critical thinking, and how to spot fake news, how to contact elected officials, the  
17 legislative process, protesting, and then solving community problems using  
18 [inaudible 00:40:58] step by step guide to civic leadership. Then, the community  
19 said they wanted to know more about asset based community development,  
20 and we developed a three part series.

21 The idea here is to bring in people from diverse groups, and this audience we  
22 had members from the local Jewish Federation, from the local Islamic Society,  
23 from local churches, as well as a number of activists who are not religiously  
24 affiliated but are associated with the local Democratic, Republican, and  
25 Libertarian parties, and folks who are unaffiliated and wanting to learn more.  
26 The idea here is that they not only get engaged in the electoral process, but also  
27 become community leaders. I mentioned that the League has registered about  
28 5,000 voters. The American Democracy Project increased our turnout of our  
29 students seven percentage points from 2012 to 2016.

30 A few barriers that we have encountered in Indiana while trying to do this work;  
31 number one is the new state voter registration form. It was revised to include  
32 the receipts that you give to the voter, and you then turn in one to the clerk or  
33 the voter registration office, that has the volunteers name and address ...  
34 detailed information about exactly who registered that person to vote. The  
35 theory behind it is to prevent against any kind of disenfranchisement, not  
36 returning the forms, throwing out forms of somebody who you think might vote  
37 the wrong way, whatever wrong means. So I think that was the reason for those  
38 changes, however, it really is not practical for third party groups, who will not  
39 maintain control of their individual form the whole time. Also, if a mistake  
40 happens in the voter registration office, and the form is somehow lost, that  
41 person, that volunteer, is not threatened with jail time or fines. It really  
42 discourages civic groups who are needed to go into communities and register  
43 voters. If you're going to do it in a group setting, sometimes the paper forms still  
44 do work better than online, and so that discourages registration.

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1           What the League has done, and other civic groups have done is to use the  
2           federal form. But, the federal form also asks for information that we don't  
3           collect, like your race and your party identification. The voter ID laws have  
4           created an additional hurdle for some voters, because not only do we have to  
5           get people registered, we also have to get them to the polls, but we also have to  
6           see if they have the correct ID. We do have some of the same problems that the  
7           previous presenter described in terms of out of state students who have moved  
8           into housing, they want to register, they're going to be here at least four years.  
9           They want to get engaged in local politics, and think of themselves as a full  
10          member of the community, but they don't need to get a new driver's license  
11          because they're not driving. They're living on campus. So unfortunately, they  
12          have been disenfranchised. Student IDs, because we at Indiana University are a  
13          public university, can be used for voter ID, but only if they have an expiration  
14          date. That is something we worked to change, and now all Indiana University's  
15          campuses for the first time have that expiration date, and so some students  
16          may be voting with those IDs for the very first time this year.

17          The other thing that we hear a lot are misunderstandings about felony status.  
18          People who've been told that they're permanently disenfranchised, and are  
19          unaware that they can get back that right to integrate into society and to be a  
20          voting member of society. That's been the biggest problem. We are very  
21          thankful for IndianaVoters.com, because it has made it much, much easier to  
22          tell people where to go to see when the election is happening, if they're eligible  
23          to vote, check their registration status and their polling place, see who's on the  
24          ballot. That's been a wonderful thing for voters, and for people doing this kind  
25          of work to educate voters.

26          Some of the recommendations that we would have doing this work is to  
27          maintain an enhanced IndianaVoters.com. It's great to have the information  
28          that it has. Once you get down to trying to find your exact people on your ballot,  
29          sometimes at the more local level, you get a list of everybody who is running for  
30          a particular council, rather than your own members. The GPS could be  
31          enhanced there with some additional work. Maintaining and enhancing online  
32          voter registration ... would it be possible to use a social security number or  
33          some other number? What we find is that people often do not know their  
34          driver's license number, and if they don't have it with them, then that presents  
35          a barrier to registering during registration drives. Reduced barriers to  
36          registration and participation, such as same day registration or opt out  
37          registration. Fighting interference of college student voting. We have less  
38          problem with that now than we have in the past, but there are some  
39          communities ... I meet a lot with other folks doing this kind of work nationwide,  
40          where you have clerks who dump out whole batches of college student  
41          registration forms, or invalidate them because a misunderstanding of what the  
42          laws are. So that training is critical. Then, finally, just putting safeguards in place  
43          for those who are mistakenly purged.

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1 I do not speak, I just want to say, for the state or national League. I know that  
2 they have been involved in lawsuits regarding the purge, and the release of  
3 voter information, and voter ID, and I would encourage you to contact them  
4 directly if you have any questions about those particular issues. Thank you very  
5 much, and I'm happy to take questions.

6 Diane C-B: Thank you so much Dr. Bennion. We will now entertain questions from the  
7 committee. If there are any questions, if you could please identify yourself, and  
8 please pose the question.

9 Patti O.: Diane ... Excuse me, Diane. This is Patti O'Callaghan, and I have a question for  
10 Ms. Gordon. Could you hear me okay?

11 Diane C-B: Yes, we can hear you.

12 Patti O.: Okay, thank you.

13 Diane C-B: You may want to speak up just a little bit louder.

14 Patti O.: Yes. Sorry, yes. I got a frog in my voice.

15 Diane C-B: Sure. Thank you.

16 Patti O.: My question is about the opportunity to look again at the constitutionality of  
17 Indiana's voter ID law, because when it was upheld before, part of the reasoning  
18 was that we did not have a good example of someone actually being harmed. So  
19 I was hoping that perhaps through the hotline, that they could have identified  
20 some people that were actually harmed by the voter ID law, and now can re-  
21 look at that constitutionality issue.

22 Arusha Gordon: Yeah, thank you for the question. I don't know the answer. I think it's a good  
23 one, and you're quite correct. In the Supreme Court's decision in Crawford v.  
24 Marion County Election Board, the court did find that the petitioners basically  
25 failed to provide sufficient evidence to bring what is called a facial challenge to  
26 the law, but that they could bring an as applied challenge, so exactly to your  
27 point. I don't know the answer. I'm not closely enough involved with our work in  
28 Indiana, or the attorneys who brought that case to know if they're looking at it,  
29 but I think it's a good question.

30 Female: Thank you.

31 Chris Douglas: Well, this is Chris Douglas. I'll throw a question in. This is for Dr. Bennion. Thank  
32 you for testifying. This question of how best to get folks to registered, and  
33 voting, and participating has to be done in a context, I assume, that introduces  
34 as little bias into that process as possible, which may not be so easy. So I think,  
35 for instance, of who has regular and easy access to online registration, that

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1                   having the potential of having bias involved. Some of us able to ... operating on  
2                   a computer throughout the day, it's very easy. Other people who's only access is  
3                   perhaps through their smart phone, if that.

4                   Or automatic registration based on automobile licensing. That, of course, would  
5                   bias towards those who have their own transportation versus need public  
6                   transportation. Or on college campuses a bias towards those that are achieving  
7                   that level of education in contrast to those that perhaps haven't had the  
8                   opportunity ... that compared to doing something at the high school level,  
9                   where perhaps there's more uniformity and less opportunity for bias in the  
10                  system of registration. I wondered if you could comment at all on how these  
11                  different approaches could introduce bias in the outcome of the registered  
12                  population?

13   Dr. Bennion:           Yes. So we know, for example, that college youth are already much more likely  
14                               to be registered and to vote than non-college youth. That speaks to the need to  
15                               reach people before they get to college. That is one of the reasons why the  
16                               League and other groups are trying to get into high schools and register people  
17                               in classroom presentations, so that whether or not they have the internet at  
18                               home, whether or not they're aware of online voter registration, they can get  
19                               registered in class at that time, and automatically then be eligible for the  
20                               franchise. One of the things that groups need to do then is to follow up, and  
21                               students can opt-in for a text message, for example, if they have a smartphone,  
22                               to get a reminder to vote before election day ... or an email, but very few use  
23                               those.

24                  So reaching the students really does then become something that the teachers  
25                  need to be involved in. Many teachers are concerned about mentioning  
26                  anything regarding electoral behavior, because they are afraid of this issue of  
27                  bias, even if they're scrupulous about saying, "I don't care who you vote for, just  
28                  vote." Some are uncomfortable doing so, which makes the involvement of third  
29                  party groups who really are strictly unbiased in these presentations, whether or  
30                  not they do any kind of policy advocacy on the side, that their voter education  
31                  work is very unbiased, and they're giving just the information students need ... it  
32                  makes it incredibly important that we can reach the most diverse group of  
33                  students possible, because you're absolutely right. We know that a small  
34                  fraction of Indiana high school students will make it to college, and that those  
35                  who do are more likely than those who don't to be registered, and to cast their  
36                  ballots.

37   Chris Douglas:       Then, if I could have a follow-up, describing we'll say registration, and  
38                               education, and the high school environment, you've spoken of some of the  
39                               qualitative differences that produce better turnout. For instance, open  
40                               classrooms you mentioned, and perhaps high-stakes tests of some sort. There's  
41                               a question also in terms of the broader participation in democratic processes, of  
42                               not just the vote, in terms of the equal ... you know, Indiana's constitution calls  
43                               for free and fair elections ... so it's not just the actual vote, but it's the whole

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1 democratic participation in terms of how candidates are ... how the political  
2 system is structured, and how candidates are selected. Do you see any evidence  
3 of how that kind of education ... well, first of all, how uniform is it across the  
4 state of Indiana, this kind of civic education, and then, with what influence?

5 Dr. Bennion: Yes. There is no uniform standard for civic education in the state of Indiana, so  
6 it's a difficult question to answer. I would expect that the answer is that it's not  
7 very uniform at all, and some students get much more of it than others. We  
8 know that certain programs have been tested to be effective. For example, the  
9 We the People program that spends an entire semester studying the  
10 constitution and having students essentially present as if they were presenting  
11 at a congressional hearing, answering questions about the constitution ... that  
12 that is statistically linked to more voting behavior, as well as broader forms of  
13 civic engagement down the road.

14 There are some tested programs like that, but congress over time has cut  
15 funding for such programs, and so that filters down [inaudible 00:56:27]  
16 individual bar associations [inaudible 00:56:30] in Indiana are supporting those  
17 programs, and providing the textbook, and those kids are getting that  
18 education, but others are not. There really are not uniform standards, and I  
19 think it probably is negatively impacting those children who don't have access to  
20 high quality civic education programs that have been tested and proven  
21 effective.

22 Chris Douglas: Thank you.

23 Female: Thank you.

24 Ellen Wu: This is Ellen Wu. I have some questions for both speakers. Thank you very much  
25 for very informative presentations. I was just wondering if you could fill in a  
26 little more ... so this is for either presenter ... if you could fill in a little more  
27 context about the Get Out The Vote and voter registration education strategies.  
28 Two questions, which is, what is the state of the funding that is available for  
29 these initiatives and programs, and where does that funding come from?  
30 Secondly, I was just curious about a lot of the examples you gave Dr. Bennion  
31 were from the South Bend area, and so whether you could tell us a little more  
32 about other ... is there communication between different regions around the  
33 state, in terms of these kinds of programs and strategies, and coordination of  
34 efforts?

35 Dr. Bennion: Yes. This is Elizabeth Bennion. I'm happy to speak first, and then maybe Ms.  
36 Gordon can chime in. For the funding, we would love to have funding of some  
37 kind, but I'm really not aware of any. Individual candidates, of course, get  
38 funding through their party and donors, but they target only specific voters, and  
39 those voters tend to be people who are already voting, because they look at  
40 their primary history, and decide those are the people who they want to  
41 mobilize. They ignore people from the other party, and they ignore people,

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especially young people, who don't have an established voting history. So unfortunately, they're not a reliable way to mobilize new voters, and to introduce people into the political process. They often overlook groups that have lower turnout rates as well, because they're more expensive if you will, to actually turn out. So there are groups that are just getting overlooked in that process.

Then, we have civic organizations who will try to do this work, but their reach is limited to ... their efforts are limited to volunteer capacity and how much time individual volunteers will devote to mobilizing. In the case of League of Women Voters, or American Democracy Project, across the board, regardless of partisanship, or in the case of some other groups like NAACP, they might be focused on specific groups. The voter mobilization field experiment literature suggests that having targeted approaches for example, using bilingual canvassers to mobilize Latino populations and Hispanic voters, does seem to be particularly successful, and really reaching out the people. We also see some work by Janelle Wong that suggests that Asian canvassers canvassing Asian neighborhoods, and using a variety of different languages can be successful, have extra impact. There are some researchers looking at these questions of the best way to mobilize people, but they're working with civic groups that are working on a shoestring.

In terms of coordination state wide, we do through the National American Democracy Project. We have some national meetings where we can talk with people from other campuses about what's going on. I know a lot of campuses are doing some similar work. Then, through the State League of Women Voters, we have meetings and share information and ideas, and so the national and state League have been ... the national League actually does provide some grants for the high school voter registration project. They're small grants, but they're enough to allow local Leagues to run those projects.

Arusha Gordon: Yeah. This is Arusha. I actually don't have too much to add to that. We don't actually run Get Out The Vote or voter registration drives as an organization, although we do of course work in coalition with partner organizations like the League of Women Voters, like NAACP, which do engage in those activities. The one thing I would add is, in general, I think one of the other kind of vehicles that we've seen for getting folks registered is sometimes faith communities. Especially in the African American communities, the large churches will kind of do voter registration after Sunday services or something like that, so just as another kind of player in the field.

Diane C-B: Hi, this is Diane Clements-Boyd, and I have a question. Ms. Gordon, you pointed out in your presentation that as it relates to photo IDs, there was a statistically significant disparity in White and Black voters that had I guess voter IDs at the time of an election. I think 83.2 White voters had an ID versus 72.7 Black voters that had an ID. In the Indiana constitution, the provision that was mentioned earlier, that all elections shall be free and equal, in your opinion, does Indiana's



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1 voter ID law call into question this section of the constitution, and if not, what  
 2 explains that disparity?

3 Arusha Gordon: Yeah, so-

4 Diane C-B: [crosstalk 01:02:49] either panelist to answer.

5 Arusha Gordon: I think it's a good question, and this kind of gets to the larger conversation  
 6 around photo ID and the legal challenges. I'm not barred in Indiana, so I couldn't  
 7 speak about the Indiana constitution or the laws, and I don't know if people  
 8 have considered that kind of challenge, but it's very similar to kind of the US  
 9 constitution equal protection clause and the arguments that attorneys have  
 10 brought in other states around photo ID. Those of course have been successful  
 11 in some places, and haven't been as successful in others, and of course kind of  
 12 with the change in administrations, and the change in the makeup of the  
 13 Supreme Court, one thing that we just keep in mind as advocates bringing these  
 14 cases is like what happens if you win at the district level, it gets appealed, and  
 15 then it goes to the supreme court? I think we have to be careful about what  
 16 suits we bring, but I think you're right. It's important to consider both state  
 17 constitutional claims as well as federal claims in today's political context.

18 Diane C-B: Thank you. Are there any other questions?

19 Ernesto Palomo: This is Ernesto Palomo. I would like to follow up on a prior question, and first of  
 20 all to thank you both for your compelling testimony today. Following up on the  
 21 voter ID issue, what are some of the arguments that worked in other states to  
 22 combat voter ID [inaudible 01:04:42]?

23 Arusha Gordon: Yeah. I think it kind of depends on ... it's very much case by case. To get to an  
 24 intentional discrimination argument, looking very closely at which groups are  
 25 carved out, and sometimes it comes down to ... a lot of the evidence depends  
 26 on particular communications amongst legislators considering different aspects  
 27 of a photo ID bill. If for instance, you have an email from a legislator to another  
 28 member saying something like, "We should ..." for instance, in Texas ... "have  
 29 gun owners ID should be accepted, but not student ID." If they kind of complete  
 30 the reasoning behind that, and say, "because we know students, or whatever  
 31 group, is more likely to vote this way, or is less likely to have this kind of ID,"  
 32 that's the kind of evidence that really strengthens those cases.

33 What courts look at is are there other mechanisms. So for instance, cases are  
 34 less likely to be successful in states where there are alternatives. If you can get  
 35 for instance a free ID by going to your county registrar, or a county official to get  
 36 a free photo ID, that really makes it harder to bring a successful case challenging  
 37 these, because there are these alternatives available. But if you have a situation  
 38 in which the ID costs a certain amount, and you can argue that that bars folks  
 39 from being able to get that ID and voting, then that's a much stronger case. A lot  
 40 of the cases, the laws we depend on in the federal context are Section 2 of the

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1 Voting Rights Act, which requires equal opportunities to participate in the  
 2 electoral process, as well as the 14th Amendment, and the equal protection  
 3 clause.

4 Diane C-B: Are there any more questions? Committee members?

5 Chris Douglas: Yeah. May I ask a second, if nobody else [crosstalk 01:07:27]

6 Diane C-B: You may.

7 Chris Douglas: This is for either one of you. In terms of best practices nationally, are there any  
 8 states or localities that you think are particularly commendable in their, we'll  
 9 say general civic commitment and processes to broad voter registration and  
 10 turnout, without regard to partisan considerations? Where just there's some  
 11 form of civil commitment that appears to drive the forces at work, and that's  
 12 reflected in policy ... that we would want to look at? We'll start with Professor  
 13 Bennion.

14 Dr. Bennion: Right. I think that states like Oregon that are early adopters of vote by mail, and  
 15 states that are early adopters of this automatic opt-in opt-out voter registration  
 16 are states to look at, because generally what we see is a package of reforms that  
 17 either make access to the franchise easier for all people who are American  
 18 citizen 18 and over, or make it more difficult for some people who are American  
 19 citizens 18 and over to cast their votes and really have that one person one vote  
 20 standard of political equality that hopefully Democrats, Republicans,  
 21 Libertarians, and Greens, along with Independents, would all agree upon, in  
 22 theory anyway. As we look at ballot access, those states that tend to be leaders  
 23 in these areas are ones that are good to look more closely at, and look at as  
 24 models.

25 I will say, just as Ms. Gordon pointed out, some of the literature on voter ID had  
 26 contradictory findings, depending on exactly how they measured the barriers.  
 27 The same is true even with vote for mail, which seems to create a big boost in  
 28 turnout, but part of that boost, later studies showed, may have been a novelty  
 29 effect when it's first introduced. Some for the literature on the voter turnout  
 30 and how laws affect voter turnout is a bit conflictual, and still developing, versus  
 31 the voter registration literature that I shared today that is much more well  
 32 established. It's a good idea to look at those reforms, and look at the literature.  
 33 In general, we see that reforms designed to increase access to the franchise are  
 34 having their intended effect, but that's not always the case.

35 Arusha Gordon: This is Arusha. I'll just add a couple things. First, I think it really depends from  
 36 state to state, and from policy to policy, kind of best practices. For instance, on  
 37 the felony disenfranchisement front, it really varies which state you're in, the  
 38 impact of a felony disenfranchisement law. For instance, in Maine and Vermont,  
 39 folks who are incarcerated can still vote, and they don't lose that right. Whereas  
 40 in other states, it really requires a lot to get your right to vote reinstated.

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1 There's also the difference between having a law on the books, and having it in  
2 practice. For instance, Texas actually has a law that's over 30 years old that  
3 requires public and private high schools to hand out voter registration  
4 applications to eligible students at least twice a year. But there's a difference  
5 between having that law in place, and actually having high school administrators  
6 carrying that out in a really systemic way.

7 I would also add, again at the best practices and best policies level, I think  
8 there's of course the state wide laws, and rules, and regulations, but I think  
9 there's a big difference in local election administrators in how they administer  
10 their elections. If they go above and beyond in making sure everyone who's  
11 eligible to vote is able to register really easy. There's just a lot of discretion at  
12 the local level, and so depending on which county you fall in, or which  
13 jurisdiction you fall in, I think you can have a very different experience as a  
14 voter.

15 Dr. Bennion: Right. I would second that point. I will say one of the things that helped the  
16 League of Women Voters with its high school voter registration project was that  
17 even though our voter registration officials are partisan, the Republican  
18 appointee who happened to be a former student of mine was incredibly helpful  
19 in visiting the high school if needed, and answering any questions that the group  
20 had about how their particular office would look at a registration form. What  
21 would disqualify it, what wouldn't, what do we need to stress to students if we  
22 want to know what will they do if something's incomplete, what would the  
23 process be, and really presenting to volunteers and working with volunteers to  
24 understand that. This case is an example of a good local elected official, in the  
25 sense that he didn't care, and wasn't thinking about how those students might  
26 vote, but he really did want to work with local civic groups to make sure that  
27 everybody who wanted to get on the rolls would be eligible to cast their ballots  
28 on election day. That's critical, and it helps if local groups are also asking those  
29 questions, because some of the local election officials needed to go back to the  
30 election board, ask them, and then that filters down, that kind of lack of  
31 knowledge of the rules to the poll workers, who may not be well trained on  
32 election day, and might turn people away who should in fact be able to cast  
33 their votes. I know that issues of your address not being accurate on the ID, that  
34 we have had students report that they were told by a poll worker that that was  
35 a problem, when again, as Ms. Gordon pointed out, that's actually not part of  
36 the law.

37 Diane C-B: Okay. We have now arrived at the time that we have set aside for public  
38 comment. I would now ask the operator if there are members of the public that  
39 would like to speak, that we allow them to do so at this time.

40 Speaker 1: Thank you. If you would like to ask a question or make a comment please press  
41 \*1 on your phone. Please make sure your mute function is turned off to allow  
42 your signal to reach our equipment. Again, that's \*1 for any questions. We have  
43 no questions from the phone audience.

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1 Diane C-B: Because there are no questions, we can return to questions and comments from  
2 the committee. If there are additional questions that you'd like to pose, there is  
3 time to do that.

4 Bill McGill: Madam Chair, this is Bill McGill. I just wanted to ask Dr. Bennion the numbers of  
5 participants in her civic leadership academy.

6 Dr. Bennion: Yes. We had approximately 200 people participate in some of the sessions. We  
7 had about 120 people who participated in multiple sessions, and we had ... I  
8 believe it was 55 who actually got the certificate, which meant that they were  
9 coming back every single week. What we did was just print a certificate that was  
10 a civic leadership academy completion certificate, not an academic credential,  
11 but something that they could have. It was amazing how many community  
12 members were actually looking for that and coming back each and every week.  
13 That's with very minimal ... just sending out some emails, and free Facebook  
14 ads. So, we feel that this could be a very easy to replicate model across the  
15 state, with colleges and universities working with local community partners.  
16 Some of our sessions were also at the local public library, and we are going to  
17 do a meet the candidates forum with them as well this semester, in addition to  
18 our on campus debate.

19 Bill McGill: So is there a link that you all have created with the civic leadership academy, or  
20 is it something individual to just reach out to you all [inaudible 01:17:32].

21 Dr. Bennion: Yes. You could reach out to us. If you looked at the [IUSD 01:17:38] American  
22 Democracy Project Facebook page, you would find a lot of those events listed,  
23 but we have actual footage of the sessions, which we plan to post online now  
24 that we're in the process of updating our website. Those will be available as  
25 well. I'm happy to provide detailed agendas for each of those sessions of what  
26 topics we had our speakers address, because we'd be happy for people to use  
27 those as a starting point for their own academies.

28 Bill McGill: All right. Thank you so much. Again, thank you both for your time and valuable  
29 presentations.

30 Chris Douglas: This is Chris Douglas. I can always ask more questions, but I don't want to  
31 monopolize time.

32 Diane C-B: Go right ahead, Chris.

33 Chris Douglas: Okay. This is for Professor Bennion. The mission of this committee is to advise  
34 the national commission on these matters, both with respect to voting  
35 disenfranchisement I guess, and then also there's a separate charge that the  
36 committee has, and that is to advise the commission on concerns about equal  
37 protection of the laws. As we look at Indiana, Indiana had the lowest voting  
38 turnout in 2014, and then in 2016 when we had a governor and a senator up for  
39 election in addition to of course it being a very important election year, but

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1 Indiana had key offices up, and I think we were very low in our turnout  
2 compared to the nation.

3 I think the question I'd ask you as an academic is what factors would you  
4 suspect would have produced this poor turnout, and does it raise questions in  
5 your mind, should it raise questions about concerns with respect to the missions  
6 of this committee?

7 Dr. Bennion: Well, there are a number of demographic characteristics that we know are  
8 related to voter turnout, and one of those of course is education level. We need  
9 to get more of our citizens graduating high school, and more of our citizens into  
10 colleges and universities, in part, if we want to increase voter turnout rates. The  
11 other piece there is what kind of education people are getting. In Texas, for  
12 example, they have a required one full year of first US government, and then  
13 Texas government in their colleges and universities. Many states have  
14 requirements in terms of their civic education curriculum K-12. Indiana doesn't  
15 have anything like that, that's uniform across the board and really promotes  
16 actual civic engagement.

17 I think in part, it seems to me to be a failure of civic education, where people  
18 are not developing a civic identity. Where if you have a civic identity, it's not just  
19 about civic duty, it's not just about civic knowledge, though both of those things  
20 are important. It's not even just about civic efficacy, the belief that your vote  
21 will make a difference and you'll be heard. You'll feel sick going to the polls even  
22 if there is no competition, because it's part of who you are. That is something  
23 that starts in the family. There's no doubt about that, but it also can happen in  
24 our schools.

25 I'm a strong advocate for more high quality civic education programs in our  
26 schools, as well as after school care and organizations, civic organizations that  
27 work with youth, to give people an opportunity for hands on civic engagement.  
28 That's what really both of the books that I edited are about, that the best way to  
29 learn how to be civically and politically engaged, is to practice. People can be  
30 registering voters, and working for campaigns, and doing mock elections before  
31 they're even eligible to vote. I think we need not to shy away from that by  
32 assuming it's partisan. I host a weekly public affairs show on our local PBS  
33 affiliate, and we interview Libertarians, Democrats, Republicans. The same is  
34 true with the debates. All of those candidates call to debate with us, and all of  
35 them participate regardless of partisanship in our civic leadership academy.

36 If people can see that, and recognize that we should have, and we do have, a  
37 shared commitment to civic engagement, I think that message can filter down.  
38 There are campuses across the country that are working with junior high and  
39 high school students to get them involved in their communities, have them  
40 identify local groups who can actually address problems that the students  
41 themselves investigate and decide which area they're going to address. The  
42 students collect pennies ... pennies, so that all demographic groups can

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1 contribute. It's not about the money, it's about building community. These  
 2 young people are actually then donating to a particular cause, but they're also  
 3 getting involved, and volunteering, and those are the kind of programs that I  
 4 think will make a long term difference, because then we connect your local  
 5 community problem solving with public policy issues, and let young people  
 6 know that they need to vote, but not only vote.

7 Again, for me, and perhaps this is predictable as an education, but I think there's  
 8 good research to back it up, we need to be much more robust in our efforts to  
 9 produce high quality education for students across the demographic spectrum,  
 10 and in all of our communities, and we also need to get more people graduating.  
 11 It does have to do with socioeconomic status too, and we are not the wealthiest  
 12 of states with the highest median income, and so that negatively impacts us as  
 13 well. Finally, we do have a lot of local and county positions, as well as state  
 14 positions, that are not contested. Part of that may be due to gerrymandering.  
 15 We do see statistically that malapportionment seems to be at play in Indiana,  
 16 and so all of those could be factors as well.

17 Diane C-B: Before Chris asks another question, I want to get one in there really quickly. It's  
 18 come to my attention that on a jury selection form that is sent out to a  
 19 prospective juror, that the question is asked, "I wish to cancel my voter  
 20 registration." I would like to know ... perhaps Ms. Gordon can answer this, is  
 21 there a legitimate reason for an administrator of that process to ask a question  
 22 on a voter registration ... I'm sorry, on a juror form, that I wish to cancel my  
 23 registration?

24 Chris Douglas: That's shocking to me. I didn't know that.

25 Arusha Gordon: Yeah. I will echo that. I've never heard of that. I don't-

26 Chris Douglas: [crosstalk 01:25:24]

27 Arusha Gordon: Yeah, I don't know. Sorry, I cut someone off.

28 Chris Douglas: I shouldn't have been cutting you off. Madam Chairwoman, where is ... was that  
 29 down in Evansville, or Indianapolis, or where?

30 Diane C-B: Yes. Actually in the southern part of the state. But I just wondered if you could  
 31 comment on that, attorney Gordon?

32 Arusha Gordon: Yeah. I think the appropriate statute that one would need to look into is the  
 33 national voter registration act, which outlines when a registration can be  
 34 canceled. But I think it raises some real questions, because ... I know in some  
 35 minority communities, that people don't want to register to vote because  
 36 they're nervous about getting called for jury duty, and because they can't take  
 37 the financial hit that that would require. I think that raises some concerns,

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1 because I would be curious as to the data behind who is checking that box, why  
 2 that box is there, who made the decision to put it there, and whether there's a  
 3 disproportionate impact on the race of jurors who are checking it. But, yeah, I've  
 4 never heard of that.

5 Dr. Bennion: Did you say this is a state form?

6 Diane C-B: No, it isn't a state form. It's a county form.

7 Dr. Bennion: I'm sorry, which county did you say it was?

8 Diane C-B: Posey County.

9 Dr. Bennion: Okay. I think one of the things that's very frustrating about that is I've also heard  
 10 that argument from people, "Oh, I don't want to register to vote because I don't  
 11 want to get called for jury duty. I hear you get called all the time if you register."  
 12 The reality is ... not only is that problematic because we'd like them to perform  
 13 both civic duties, but it also is inaccurate, because these counties are using  
 14 driver's license, state IDs, department of revenue databases in some cases.  
 15 They're using a broader source to get the name, and it's not just registering to  
 16 vote. It seems like a active attempt at disenfranchisement. I don't think the  
 17 state needs to do things, or a county needs to do things to make it easy for  
 18 people to move themselves off the voter registration rolls, when we have such a  
 19 huge problem with turnout as it is, and getting people on those rolls, and to  
 20 exercise their right and privilege to vote.

21 Diane C-B: Thank you. We have one minute left. If there are no further questions-

22 Chris Douglas: I might ... can I throw in one last question?

23 Diane C-B: Quickly, yes.

24 Chris Douglas: I wonder if either of you could comment about ... we've mentioned a jury, how  
 25 one gets into a jury pool. I was thinking about registration for the draft, and how  
 26 that was accomplished, or how that is accomplished, if it still is, but certainly, I  
 27 think that ... can that set any model for how registration for voting can be  
 28 accomplished?

29 Arusha Gordon: [crosstalk 01:29:12] I don't have an answer to that.

30 Dr. Bennion: Well, my concern would be that only males are required to register with  
 31 selective services right now.

32 Chris Douglas: Right. So let's assume that whatever's being done for males, then is broadened  
 33 out.

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- 1 Dr. Bennion: In terms of trying to require people to register?
- 2 Chris Douglas: Certainly it's done in Australia and New Zealand, I think for instance now.
- 3 Dr. Bennion: Right. Right. Yes, that is a topic of an entire seminar, debating that question-
- 4 Chris Douglas: Right.
- 5 Dr. Bennion: ... so I'm not sure in 15 seconds we have time, but that is [crosstalk 01:29:51] we  
6 haven't mentioned, which would be mandatory voter registration with fines to  
7 enforce it, which is incredible effective in generating extremely high turnout  
8 rates, particularly if those fines are enforced, but would be quite unpopular in  
9 the US in general, and I'm sure in Indiana in particular.
- 10 Chris Douglas: Thank you.
- 11 Diane C-B: Thank you. Please allow me to thank our panelists, attorney Arusha Gordon,  
12 with the Voting Rights Project of the Lawyers' Committee for Civil Rights Under  
13 Law, and Dr. Elizabeth A. Bennion, Professor of Political Science at Indiana  
14 University, South Bend. On behalf of the Indiana Advisory Committee, we  
15 certainly appreciate you providing testimony on the topic of voting rights in  
16 Indiana. The information was very informative and enlightening.
- 17 The record will remain open through April 2nd, 2018. If anyone would like to  
18 submit written consent, please send to mwrintern2@usccr.gov, or mail to  
19 USCCR, address 55 West Monroe, Suite 410, Chicago, Illinois, zip code 60603.  
20 Again, please allow me to remind you that today's meeting is part one of a three  
21 part series the committee will hear on this topic. On Saturday, February 17th,  
22 the committee will hold an open community forum to hear from individuals who  
23 wish to share his or her experiences voting in Indiana at the Evansville Central  
24 Library, 200 Southeast Martin Luther King Junior Boulevard, Evansville, Indiana,  
25 47713. Also on Friday, March 2nd, the committee will hear additional panel  
26 testimony and public comment at Ivy Tech Community Event Center, address  
27 2820 North Meridian Street, Indianapolis, Indiana, 46208.
- 28 We will follow up with all in attendance to provide the minutes and transcript  
29 from this meeting, and a link to access those records. We will also notify  
30 everyone when the committee is meeting for discussion, and when the report is  
31 ready. Again, I would like to thank our panelists, members of the public, our  
32 committee that participated on this web conference. If there is no further  
33 business, I will adjourn this web hearing. Thank you very much.
- 34 Female: Thank you.
- 35 Female: Thank you.



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- 1    Female:                    Thank you.
- 2    Speaker 1:                Thank you, and that does conclude today's conference. Thank you for your  
3                                   participation. You may now disconnect.

**-Company:** USCCR  
**Conference Title:** Indiana Advisory Committee  
**Conference ID:** 3466041  
**Moderator:** Diane Clements-Boyd  
**Date:** February 17, 2018

1 Operator: Good day and welcome to the US Commission on Civil Rights Indiana Advisory Committee  
2 conference call. Today's conference is being recorded. At this time I would like to turn the  
3 conference over to Ms. Diane Clements-Boyd. Please go ahead.  
4

5 Diane Clements-Boyd: Thank you and good morning. This public forum of the Indiana Advisory Committee  
6 to the US Commission on Civil Rights, shall come to order. For the benefit of those in the audience,  
7 I shall introduce my colleagues and myself. My name is Diane Clements-Boyd and I have the  
8 privilege of serving as Chairperson of the Indiana Advisory Committee. The following members of  
9 the committee also are in person or on the call. To my left I have Robert Dion. And on the telephone  
10 we have Christopher Douglas. And also on the phone is Melissa Wojnaroski, Civil Rights Analyst  
11 for the US Commission on Civil Rights.  
12

13 The US Commission on Civil Rights is an independent bipartisan agency of the federal government,  
14 charged with studying discrimination or denial of equal protection of the law because of race, color,  
15 religion, sex, age, disability or national origin, or in the administration of justice. In each of the 50  
16 states and the District of Columbia, an advisory committee to the commission has been established.  
17 And they are made up of responsible persons who serve without compensation, to advise the  
18 commission on relevant information concerning their respective state.  
19

20 Today our purpose is to hear testimony regarding voting rights in Indiana and an effort to discern if  
21 there are discriminatory barriers to voting in the state. Among the responsibilities of each advisory  
22 committee, is to inform the commission of any knowledge of information it has on any alleged  
23 deprivation of the right to vote and to have the vote counted by reason of color, race, religion, sex,

1 age, disability or national origin, or that citizens are being accorded or denied the right to vote in  
2 federal elections, as a result of patterns or practices of fraud or discrimination, and to advise the  
3 commission concerning matters related to discrimination or denial of the equal protection of the  
4 laws under the constitution and the effect of the laws and policies of the federal government, with  
5 respect to the equal protection of the laws.

6  
7 Through this study and consequently, the purpose of the forum today, is to provide the Indiana  
8 Advisory Committee testimony and information, to examine voting rights and voter participation in  
9 Indiana. Specifically, the committee will examine the extent to which voters in the state have free,  
10 equal access to exercise the right to vote without regard to race, color, disability status, national  
11 origin, age, religion and/or sex. And whether Indiana in its application of its laws and regulations,  
12 is meeting its equal protection obligation in accord with its own constitutional mandate on the topic  
13 of free and fair elections.

14  
15 If speakers begin to veer away from the civil rights questions at hand, to discuss possibly important  
16 but unrelated topics, I will interrupt and ask them to refrain from doing so. At the outset, I want to  
17 remind everyone that this meeting is being recorded and will be transcribed for the public record. I  
18 also wish to remind everyone that today's meeting is part 2 of a three part series the committee will  
19 hear on this topic. On Friday, March 2nd, the committee has arranged to hear additional panel  
20 testimony and will also accommodate public comment at Ivy Tech Community College Event  
21 Center, 2820 North Meridian Street, Indianapolis, Indiana.

22  
23 We invite you to join us for the meeting at Indianapolis as well. Again, the purpose of today's  
24 meeting is to hear from the community and aggrieved persons. We are thankful for individuals that  
25 have come to provide testimony today. I would also like to provide the ground rules for today's  
26 meeting. this is a public meeting, open to the media and the general public. We will base the  
27 amount of time for each speaker based on the time available. The time allotted for each

1 presentation will be adhered to. Initially each speaker will be allowed to - up to approximately 15  
2 minutes.

3  
4 After each speaker has concluded their statement the committee may ask clarifying questions. in  
5 addition, written statements may also be submitted by mail to the US Commission on Civil Rights,  
6 at 55 West Monroe Street, Suite 410, Chicago, Illinois, or by email to  
7 MWROINTERNT@USCCR.gov. Please call (312) 353-8311 for more information. Though some  
8 of the statements made today may be controversial. We want to insure that speakers do not  
9 defame or degrade any person or any organization. As the Chair, I reserve the privilege to cut  
10 short any statements that defame, degrade or do not pertain to the issue at hand.

11  
12 Any person or any organization that feels defamed or degraded by statements made in these  
13 proceedings, may provide a public response during the open comment period. Alternately, such  
14 persons or organizations can file written statements for inclusion in the proceedings. The advisory  
15 committee does appreciate the willingness of all speakers to share their views and experiences  
16 with this committee. With that, welcome. I'm sorry for that very lengthy statement. But we do have  
17 individuals that are here today that will be allowed to present testimony as it relates to voting rights  
18 or lack thereof, in the state of Indiana.

19  
20 And because there is not a really large crowd here we probably won't have to limit the amount of  
21 time at this point. I do have a sign in sheet here. If you have indicated that you would like to speak,  
22 I will call your name. I will need you to come to the front here, because this is being recorded, and  
23 speak your name and speak directly into, as close as you can, into this microphone, which I'm  
24 going to push up a bit. With that I think I can call the first person on this list. We are now going to  
25 ask (Patricia Avery) to come forward.

26  
27 (Patricia Avery): And I need to speak from here with my back to the people? May I turn my chair this way?  
28

1 Diane Clements-Boyd: You certainly can.

2

3 (Patricia Avery): Great. Thank you. First I'd like to...

4

5 Diane Clements-Boyd: State your name.

6

7 Patricia Avery: Oh, I'm sorry. Thank you. I'm Patricia Avery and I'm a resident of Vanderburgh County.

8 And I'd like to thank the commission for allowing us in Vanderburgh County to have an opportunity

9 to comment on this critical issue. In the opening you spoke about laws across the United States

10 and the fact that as a country we are engaged in conversation because there are laws that govern

11 our ability to vote that are guaranteed to us in the Constitution. But as we have seen in the last few

12 years, each state sets its own voter ID laws; it sets its own laws about polling times and access to

13 polling places.

14

15 It sets counties' ability to limit the number of voting places that are open to the public on election

16 day. And the more that I have thought about that, I have thought if the NCAA tournament were

17 carried out in a way that each tournament game was subject to the rules of basketball in that state,

18 fans would never stand for that. They would say that the results of the tournament aren't valid

19 because the rules that the tournament was carried out under, were different in every game. And

20 because we have a patchwork of laws across the country that govern who can vote, that govern

21 when they can vote and that govern how they prove who they are, I think we're very much in that

22 same situation.

23

24 And if NCAA fans would not stand for it, I don't think that we as citizens of Indiana and citizens of

25 any state, should stand for that. In Indiana we have dealt with onerous voter ID restrictions since

26 2006. In 2008 my husband and I and by way of disclosure, my husband is Dennis Avery, a former

27 State Representative, who was in office when that law was passed and voted against it. But we

28 were standing in line to vote early, behind an elderly African American man. He had a stack full of

1 ID in his hand, literally a plastic grocery sack full of ID. And when he went up the people said, we're  
2 sorry, that's not enough. You're casting a provisional vote.

3  
4 But he didn't know what that meant. He assumed he was done. And we were right behind him so  
5 being the kind of person I am, I butted in. And I knelt down by his chair and I said excuse me sir, I  
6 want you to understand what's happening. Your vote won't count. And the people in the early  
7 voting office got upset. They said of course his vote will count. And I said no, it won't count unless  
8 he brings back proper identification. And you know that. And I gave my husband a pleading wife  
9 look because I had to get back to work, and he kindly agreed to take this gentleman around to all  
10 the places he had to go to gather the identification that was necessary, because it was not as  
11 simple as just going to the DMV.

12  
13 He needed proof of his address and fortunately he had a bank account that many people don't  
14 have bank accounts and so you cannot go to the bank and get a statement with your address. But  
15 he was able to take him to the bank, take him back to the DMV and take him back to the Civic  
16 Center. If that gentleman had had to accomplish all of that by himself on public transportation, it  
17 wouldn't have taken him an afternoon, it would have probably taken him two days. If his income  
18 was so low that he couldn't afford the bus fare, if had had to pay the bank to print the statement,  
19 think of all the barriers that would have amounted to a poll tax for him to prove who he was so that  
20 his vote would count.

21  
22 And the beauty of it was he didn't even live in Dennis's district, so it didn't help Dennis in any way,  
23 to have taken and helped him. But I - that pointed out to me the need for a checklist that could be  
24 provided to individuals who are required to cast a provisional vote under voter ID laws. It would  
25 need to be in plain language. I again by way of disclosure, I'm a federal employee, so I understand  
26 our laws around plain language. A plain language checklist that says in bold language, for your  
27 vote to count you must bring this, this, this and this and they can check when they've gotten it. And

1           then tell them exactly in big letters, the address where they need to bring it by this date, otherwise  
2           your vote will not be counted.

3  
4           So I just - I think something as simple as that checklist could help individuals like this gentleman,  
5           who had we not been right there, would not have understood what he needed to do. But to wrap  
6           up, I just want to point out that we can do everything to protect individuals' ability to cast a vote, to  
7           have access to polling places to cast a vote, but that is not enough. As has come to the public's  
8           attention, we also need to protect the integrity of our voter rolls, to protect that information and our  
9           private information, our PII that is stored in voter ID roles, from being hacked. And we need to  
10          protect our voter rolls from wholesale purging, that results in people inaccurately being purged from  
11          voter rolls. But we also need to protect the integrity of the systems that record our votes.

12  
13          Our right to vote isn't meant to just stand alone. It is also the right of our vote to be accurately  
14          tallied. And any of us who has ever labored for hours over a document, only to see the system  
15          crash and see our document disappear, knows what can happen with any kind of computerized  
16          system. And so just in a recent editorial this week, Michael Chertoff and Grover Norquist, discussed  
17          the importance and the vital need, to invest in requiring a voter verified paper trail for our elections.  
18          So I think that as we consider the civil right of voting, we also need to consider the civil right of  
19          having our vote counted accurately.

20  
21          And certainly, if (Michael Cherchoff) and (Grover Northquist) endorse the need to vote, I think that's  
22          clearly a bipartisan issue that we should explore. So thank you so much for the opportunity to talk  
23          about our own experience, the situation that we saw firsthand, and the criticality. People say  
24          elections have consequences and yes, they definitely have consequences. But without the right -  
25          without our right to vote being insured and the right to insure that our vote is properly counted, the  
26          consequences of those elections have nothing to do with people who cast the vote. So thank you  
27          very much.

1 Robert Dion: Thank you.

2

3 Diane Clements-Boyd: Thanks you Ms. Avery.

4

5 Christopher Douglas: I echo the thanks by the way, here.

6

7 Robert Dion: Thank you Chris.

8

9 Diane Clements-Boyd: Next we have Pam Locker with the League of Women Voters. Ms. Locker, please

10 come forward when you're ready.

11

12 Pam Locker: Noisy. My name is Pam...

13

14 Christopher Douglas: May I - this is - I'm sorry to interrupt. This is Chris Douglas. I have a question for

15 the Chairwoman. At the end of the testimony, will have an opportunity to ask questions of the folks

16 giving testimony, or should we do that after they have made their statements?

17

18 Diane Clements-Boyd: After everyone has testified you can ask some clarifying questions. Hopefully

19 we'll...

20

21 Christopher Douglas: Great. Thanks. Thank you.

22

23 Pam Locker: My name is Pam Locker and I am with the League of Women Voters of Southwestern Indiana,

24 and I'm representing them today. Two of the things that we work on at both the national - well at

25 the national, state and local level, are redistricting and voter rights. And we put a big emphasis on

26 redistricting recently. I have a pamphlet here that I would like to share with you. I'm handing that

27 to Bob. Basically an independent - an Indiana Coalition for Independent Redistricting formed about

28 two years, to try to change redistricting in Indiana. We all know that redistricting is the process of



1 redrawing the Congressional and state legislative lines. And in Indiana the General Assembly  
2 draws those lines.

3  
4 The League of Women Voters is against that process. We would like to see an independent  
5 commission. We ask that Indiana establish a citizen led redistricting commission every ten years,  
6 consisting of nine members, three republican, three democrat and three unaffiliated. And that by  
7 the recommendations of the commission, should require an affirmative vote of at least six members  
8 that are subject to legislative approval. We also set some redistricting criteria.

9  
10 What happened is that the bills to establish an independent redistricting commission failed. It didn't  
11 get hearings. What did pass in Indiana was SB326 which establishes redistricting standards for  
12 Congressional and state legislative districts. It basically increases the number of standards that  
13 were in effect. IT is now in the House and is likely to pass in the House. We are opposed to that  
14 because we feel that it doesn't go as far as it needs to go. Partisan gerrymandering is drawing  
15 districts to benefit a particular party or candidate. That happens every ten years.

16  
17 Most democrats and republicans engage in gerrymandering. And why is it bad? It's bad because  
18 it reduces competition. In 2016 32 of 100 House candidates and 11 of 25 Senate candidates in  
19 Indiana, did not have a major party opponent. It discourages voting because people do not vote  
20 without competition. Indiana's voter turnout in 2016 was 58%. That was for a Presidential election.  
21 The 10th lowest in the nation. So we will continue to work towards amending SB 326 and  
22 supporting a summer study committee, and try to get more done in 2019. The other thing that I'm  
23 concerned about is expanding voter access.

24  
25 And there was a Senate Bill 250 that is now with the House Elections and Apportionment  
26 Committee. That bill calls for new excuse absentee voting, which is a step forward in that until this  
27 point Indiana voters had to be of a certain age. I am of that age now. It's great. They had to be,  
28 you know, going to be out of town. They had to have a reason. And so if this passes the House

1 we will join 27 other states as well as DC, that offer no excuse absentee voting. That would be a  
2 good thing.

3  
4 On the downside there are ways that it can be made an even better thing. Right now and I assume  
5 this will continue, a person needs to use their computer or their smartphone to access the  
6 application for no absentee voting. They then need to print that out. A lot of people don't have a  
7 printer. Most kids do not have a printer. Most - well college students maybe, but a lot of people  
8 don't have access to a printer unless they go to the library. Okay?

9  
10 So they have to print that out, sign it and mail it in. Now there are other states that do better than  
11 us on absentee voting. For example, there are a number of states that have permanent absentee  
12 voting. Arizona, California, DC, Hawaii, Minnesota, Montana, Nevada and New Jersey and Utah.  
13 Where once you get on the absentee voting list, once you opt in you will receive a ballot  
14 automatically for all future elections. Now Indiana probably wouldn't like that because they would  
15 say that oh, people's addresses change. But somehow they manage this in those states. Another  
16 thing that is done or could be done, is making it possible for a person to apply for an absentee  
17 ballot, via their smartphone, with an online application. And there are several states that allow that.

18  
19 Let's see. Right now Louisiana, Florida, Maryland, Minnesota and Utah permit a voter to submit  
20 an application entirely online. Arizona has some counties that have online absentee applications.  
21 And in Detroit, Michigan voters can request an absentee ballot through a smartphone app. So  
22 there are ways to improve the process. And of course the last way would be mail voting; voting by  
23 mail, but there are only four states that have that - Oregon, Washington, Colorado and California.  
24 And I think we're a long way away from that.

25  
26 And then one last thing - election security in all 50 states. The Center for American Progress just  
27 released a report on February 12, 2018 as a matter of fact, on election security in all 50 states,  
28 defending America's election. And they give Indiana an F. They said that Indiana allows voting

1 machines that do not provide a paper record and fails to mandate robust post-election audits that  
2 test accuracy of election outcomes, etc. So this report is available on the Center for American  
3 Progress Web site. So that's all I have to say.

4  
5 Robert Dion: Thank you very much.

6  
7 Pam Locker: You're welcome. Any questions?

8  
9 Diane Clements-Boyd: We are going to entertain questions when everyone ((inaudible)). Thank you. Next  
10 we have Regina Robinson-Ungar with Our Revolution - Evansville.

11  
12 Regina Robinson-Ungar: Thank you. Thank you for giving me the opportunity to speak. I'm Regina  
13 Robinson-Ungar with Our Revolution - Evansville. I'm speaking more as a private citizen since we  
14 have not run this through our committee. So I would like to echo Ms. Avery's support for a plain  
15 language checklist for provisional ballots. As someone who works in a housing agency for low  
16 income people, I can comment that getting basic documents like this, is a real challenge. I have  
17 helped dozens of women who give birth just over the county line, who have one and two year  
18 children without birth certificates, because it's hard to get to Boonville from Evansville, to get your  
19 birth certificate.

20  
21 And now I have a stash of maybe ten different state and county birth certificate applications, you  
22 know, hiding in a secret drawer just to help people get a silly thing like a birth certificate. It's not a  
23 small thing to get. Now I would also like to echo support for the League of Women Voters' work  
24 with redistricting. And there's a real need to have equitable representative districts. Anyone who  
25 looks into the math of this and I think it's much easier to understand when it is presented in visual  
26 terms, for people who are not maybe as math savvy as some. When my second grader looks at  
27 this visually in some of the simple tutorials that are available online, it's very obvious to him that

1       this is not fair; this is not fair. You're getting a wrong number of this color compared to that color,  
2       when you cut the lines in a certain way.

3  
4       And there are just equations to make this fair and they exist and it's obvious when you look at them,  
5       what is going to work and what is fair and equitable. I would also like to echo support for no excuse  
6       mail in ballots and absentee voting. Places that have high voter turnout are models that we should  
7       be looking at. Indiana has some of the lowest turnout in the nation and definitely a place that is  
8       succeeding for example, Oregon where I believe they have no excuse mail in ballots for everybody.  
9       Why are we not looking at that? That's only sensible.

10  
11       Finally, in terms of programming of voting machines, I understand and I'm not a computer scientist,  
12       but I understand that there is a type of computer programming called open source blockchain  
13       programming, in which the - every change, every edit that is made to this computer code, has a  
14       time and a source attached to it. So there is no possibility of, if you would say messing with the  
15       code, and not having others know about it, that it's obvious, it's open, it's not a company secret.

16  
17       And if we are going to use computers to count votes and I think that is efficient and quick, then it  
18       should be open source blockchain programmed code. Furthermore, in terms of being truly  
19       transparent in terms of earning the trust of every voter, a voter verified paper trail is not - it is what  
20       we should have. It can be combined with open source transparent blockchain computer coding.  
21       And in order to have both of those, you would just have to have the printers available to show  
22       people what they voted for, and have paper trails that can be counted by hand.

23  
24       That way anybody, you know, with a fourth grade education, can see for themselves that we are  
25       counting, we're counting fairly and if we have any concerns or doubts, we can double-check that.  
26       So finally, on a completely separate note, I had the privilege of working as a poll worker in (Ward)  
27       County, during the 2016 general election, and we were instructed not to give out provisional ballots  
28       kind of as a matter of convenience. I didn't - I understood the desire by the county to get it done

1 and get it done early and fast and not have a dragged out determination of the vote, but on the  
2 other hand, it may not have been in the best interest of all of the voters being heard.

3  
4 What was definitely not in the best interest of all the voters being heard, was that my county and I  
5 believe approximately 17 other counties in Indiana, never did report write in votes. Now they were  
6 not of sufficient quantity to change the election or swing the election or anything like that, but write  
7 in votes are votes and I wish that those votes had been reported to the state, so that they could be  
8 included in the state tally and it's my understanding that they never were, in over a dozen counties.  
9 So that is all for now. Thank you.

10  
11 Diane Clements-Boyd: Thank you Ms. Ungar.

12  
13 Robert Dion: Thank you.

14  
15 Diane Clements-Boyd: Okay. We now have (Andrew Emlay), that will come forward. Take your time Mr.  
16 (Emlay).

17  
18 (Andrew Emlay): Thank you very much. As she said, my name is (Andrew Emlay). It is important to note  
19 that I have been - I have cerebral palsy and have had cerebral palsy my whole life, so I deal with  
20 ADA issues on a daily basis, especially at polling places and places that I go to vote at. I have  
21 been able to vote in the last two presidential elections. What I have noticed at some of the polling  
22 places, is that some of the stations that are designed for wheelchair users, sometimes aren't clearly  
23 marked that this specific station is to be used for a wheelchair or someone with a physical  
24 impairment.

25  
26 So sometimes it can be difficult if we're put into a regular polling place whereas we may not have  
27 the width we need for the chair, it may not be at the right height. You know, because some of the  
28 voting machines when you go to vote at them, are at an angle sometimes. So I just kind of wanted

1 to make those comments and make folks aware that maybe these are some of the changes that  
2 we can make across Indiana and other places, to insure that wheelchair users don't have to struggle  
3 to read, you know, the ballots. We don't have to - I can read. It's somewhat embarrassing if I ask  
4 someone to read something for me.

5  
6 So if it's put in a position where I can read it myself, then that poll worker can be relieved to maybe  
7 address another issue that's going on at the polling place. So thank you for the opportunity to  
8 speak. I appreciate it. Thank you.

9  
10 Robert Dion: Thank you.

11  
12 Diane Clements-Boyd: Okay. We have several individuals that have signed in, but there was a box to the  
13 left that indicated if you would like to speak or not. Perhaps you just forgot to check that box. But  
14 I will ask at this time, if there is someone ((inaudible)) that would like to speak. Please let us know  
15 that at this time. Everybody raised their hand all at once. Okay. Oh, okay. Oh, so you would like  
16 to speak? Okay. We will now ask (Sandra Matthews) to please come forward. Oh, you don't want  
17 to speak. Okay. I'm sorry. I misunderstood. Okay. Got it. Now I know what you meant. Sure.  
18 Okay. Okay.

19  
20 Well right now we have no individuals that want to provide testimony. I note that we are here for  
21 about another 50 minutes or so. I'm sorry, 40 minutes. So we can just hang out here...

22  
23 Robert Dion: We can pose questions to those who spoke.

24  
25 Diane Clements-Boyd: That's right. And Chris, I believe that you did have a few questions for the speakers.

26  
27 Christopher Douglas: Yes. Thank you. I think - so for Pam Locker...

1 Diane Clements-Boyd: Ms. Locker?

2

3 Christopher Douglas: ...I think it was Pam that gave the statistic from the Center of American Progress  
4 that Indiana gets an F on election security. I was wondering if she has any - if she knows how  
5 many states got Fs. Did any get As, Bs, Cs? How do we - F of course is very bad. Where do we  
6 rank?

7

8 Diane Clements-Boyd: She's checking Chris.

9

10 Robert Dion: Let the record show that an F is bad.

11

12 Christopher Douglas: It sounds very bad. I agree.

13

14 Pam Locker: You know, I'm actually going to have to go to the Web site because I do not have that  
15 information at hand.

16

17 Diane Clements-Boyd: If you do not find it, you're more than welcome to provide that in a written response.

18

19 Pam Locker: Okay.

20

21 Diane Clements-Boyd: And we can give you that information.

22

23 Pam Locker: Let me look really fast. And...

24

25 Robert Dion: And even if Indiana were the only F, it would be of note for people who live in Indiana. We  
26 want to do something about that.

27

28 Christopher Douglas: That's right. That's right. Well and also...

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Pam Locker: Go ahead. I'm sorry.

Christopher Douglas: Oh. I was just going to observe that I think it's a real issue. Has anybody successfully addressed it or I suspect there is also - this is a significant issue across the US.

Pam Locker: Yes. Probably so and, you know, there are detailed reports on every state, but it would take me a minute to find out where everybody else ranks. But on Indiana for example, I printed out four pages, just looking at various aspects of cybersecurity, the state's voter registration system, post-election audits, ballot accounting. You know, there is just a lot of things that they looked at. So I think it'd be worth looking at that.

And my other statistics, by the way, came from the National Committee of State Legislators, NCSL. They have a very good report on absentee and early voting, dated 8/17/2017.

Diane Clements-Boyd: Any other questions Chris?

Christopher Douglas: Yes. I guess I'll just take this opportunity to ask - this is a - this really could go to anyone, but I'm sort of interested in (Andrew), whose made it seems to me, a really significant effort to be counted. And the committee heard testimony Monday from some academics that - we asked the question why do you think Indiana has such a low voter turnout? And one of the professors said that a significant issue she thinks, is education in Indiana, including civic education.

And I think that in fact really anybody could comment on this, but I'm particularly interested in what civic education people have experienced and (Andrew), since you made a particular effort, I'm curious whether you were informed by any civic education in the past, about voter - about how to participate in democracy or whether you have picked these - this passion and skills up for yourself.



1 Diane Clements-Boyd: Okay. Chris, we'll allow a little bit of that, but we're doing clarifying questions. It's  
2 really not our role today, to ask questions of our speakers.

3  
4 Christopher Douglas: Okay.

5  
6 Diane Clements-Boyd: But if they would like to answer that they may.

7  
8 Robert Dion: I'd like to ask (Andy) a question if I can. I'm interested in - you talked about your experience  
9 of having voted in the last two presidential elections, and about the - perhaps the less than perfect  
10 designation of machines. But I'd be interested in your experience, your personal experience as far  
11 as accessibility, parking, getting in and out of the polling places. I know we changed in Vanderburgh  
12 County, from precincts to voting centers. And we have made some mistakes as far as making sure  
13 that every place is accessible. What would you - what specifically would you suggest - so this is  
14 two questions. I'm sorry about that.

15  
16 What's been your experience in just getting in and out of these places and how you've been treated  
17 and any suggestions for improvement. And then specifically about the machines - how could we  
18 do a better job of addressing what you told us about, about them not being clearly marked?

19  
20 Female: Please excuse the interruption. If speakers again, for the purpose of recording and the transcript,  
21 could please identify themselves before speaking, that would be helpful. Thank you.

22  
23 (Andrew Emlay): My name is (Andrew Emlay). To address your point Robert, accessibility for polling  
24 places, I have found that a lot of folks with disabilities, once they find a place that's accessible,  
25 they'll continue to go to that one polling place, because they know that's accessible; they know  
26 they'll never have problems getting in and out of the building. So the place that I've voted at for the  
27 last several elections, has been at Washington Square Mall, which, you know, parking is fantastic  
28 there, folks are more than happy to open doors for you to get into the building.

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I mean sometimes I think folks are even jealous of me sometimes, because I get taken to the front of the line. You know, I don't know that that's an actual law, but, you know, I get taken to the front of the line and sometimes there's a little bit of confusion from the poll workers, as to which, you know, which voting machine is to be designated for that. Like I said, I believe if it was clearly marked, you know, there would be no issue. I wouldn't have to have somebody escort me. I'd just show them my ID, I'd check in and I'd say oh, you know, this one over here in the corner here is clearly marked with a huge handicapped symbol on it, which probably means that's the handicapped accessible - just like you would designate a restroom, you know, handicap accessible. Do the same thing with your voting machines.

You know, if you've got one that's, you know, for the sight impaired, the same thing for that. You know? Designate that so the folks that are with the people can clearly see oh, this is where we need to go and there's really no confusion. And it's, you know, really easy to vote, because people, you know, people like to exercise the right, but at the same time they want it to be simplified and as easy as possible. Thank you.

Female: May I ask a question?

Diane Clements-Boyd: If you would like to ask a question in regards to what he said.

Female: Is it marked on your voter registration that you can choose which voting place to go to?

(Andrew Emlay): I don't know on my license, that it's designated which voting center you go to. I know it used to matter which voting center you went to, based on precinct, but I don't think it really...

Robert Dion: If you have a voting center, you can go anywhere.

1 Female: Oh. I didn't...

2

3 Robert Dion: You can go anywhere you want.

4

5 (Andrew Emlay): Yes, I don't think it - yes, it's not designated by...

6

7 Robert Dion: In ((inaudible)) County you can go anywhere...

8

9 (Andrew Emlay): Which, you know, which definitely makes it easier, because you don't have to remember

10 oh, what was that place I needed to go to, you know, to make sure I go to that specific place. So

11 thank you.

12

13 Robert Dion: I don't know that the US Commission on Civil Rights needs to know about the Washington

14 Square Mall, but because that - on the list of voting centers that's the one that most people flock

15 to. And - exactly. The downside is that folks go there and drive past two or three other places, and

16 find themselves waiting in a long line. So that's one of the - perhaps the disadvantages of the

17 voting center model. But there are some advantages.

18

19 *Christopher Douglas: This is Chris Douglas. I seem to have lost audio.*

20

21 *Operator: And this is the operator. The speakers' line has disconnected. I'll try to reconnect them. It will*

22 *be just a moment.*

23

24 *Christopher Douglas: Okay. Thank you.*

25

26 *Operator: You're welcome.*

27

1 *Melissa Wojnaroski: Thank you. Yes, I'm here too Chris. This is Melissa. We were doing really well for a*  
2 *while. I mean I - everything came through great during the testimony.*

3

4 *Christopher Douglas: Yes.*

5

6 *Melissa Wojnaroski: And we sort of trailed off into some conversation I had trouble following. So...*

7

8 *Christopher Douglas: Diane may need to call in again, which...*

9

10 *Melissa Wojnaroski: Yes. Hopefully that call can receive calls as well. That line. Because the operator*  
11 *will have, you know, the number that called in before. And hopefully she can just call right back*  
12 *out to it. But I don't know. Sometimes conference lines are, you know, can only dial out or whatnot.*

13

14 *Christopher Douglas: Right.*

15

16 *Operator: And this is the operator again. I was unable to get through to anyone at the library who knew*  
17 *where Ms. Clements-Boyd is meeting. I'm going to try her cell phone now. Thank you.*

18

19 *Christopher Douglas: Okay.*

20

21 *Operator: This is the operator again. I apologize. I'm not able to get through to Ms. Clements-Boyd. I did*  
22 *leave voicemail on her cell phone. Do you have any other suggestions? The phone number for*  
23 *the library was a main number and they had no idea where the group was meeting.*

24

25 *Melissa Wojnaroski: Okay. I can tell you that they are at the Evansville Central Library in Browning Rooms*  
26 *A and B.*

27

28 *Operator: A and B at the Evansville Central Library.*

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*Melissa Wojnaroski: Central. Yes.*

*Operator: Okay. I'll try that again. Great. Perfect. Thank you very much. And here I go.*

*Christopher Douglas: So I assume then that this is - in terms of the recording, this is - they're not - we're not going to get further discussion recorded, I assume, is the consequence of this.*

*Melissa Wojnaroski: Well hopefully - yes, I don't - I mean it seems like yes, I mean if they hung up the phone then we, you know, we wouldn't have any way to get any additional recording. I mean we got the testimony this morning. So hopefully we get reconnected. I mean I don't know, maybe they're just having more of a discussion right now that's not really, you know, all the formal testimony people wanted to present. You know, I think we got - I just - I hope - maybe they don't realize the phone was hung up.*

*Christopher Douglas: Right. Right. Well these things happen, so I mean it's like - but the...*

*Melissa Wojnaroski: Yes. And this is the first time we've tried this kind of remote meeting like this. And so we're kind of learning as we go.*

*Christopher Douglas: Yes.*

*Melissa Wojnaroski: But I guess, you know, we do need to have some kind of backup so that if we get disconnected or whatever, we can make sure to alert people right away. Hopefully we can get reconnected right away. Then, you know, if there was anyone who said anything, you know, significant to the discussion while we were out, we can ask them to sort of restate the main points, so that we get that. Well we're learning as we go.*

1           And just so that you know as well, I did - I checked the press release and, you know, this meeting  
2           was just advertised as an in person meeting at the library. Really the option to call in was only  
3           provided directly to committee members. So the phone conference line at least...

4  
5   Christopher Douglas: Nobody else is going to be hanging out there.

6  
7   Melissa Wojnaroski: Nobody else - yes, nobody else even had it. It was published in the federal register  
8           notice included, actually did include the public call in number. But it was correct. It was the correct  
9           number that went out in the federal register. So if anyone saw it from the federal register, they  
10          would have had the correct information. But the fliers and press release just advertised it as an in  
11          person meeting.

12  
13   Christopher Douglas: Well just to fill our time with chat here, the - my observation - the reason I'm so  
14          interested in the - I think the impediments to ((inaudible)) are real insignificant for low income people  
15          without transportation. And so I don't diminish those whatsoever. My observation is that we also  
16          have - that people who don't have those impediments are also not particularly turning out especially  
17          well. And that what I think is such an interesting observation there is that everybody that comes to  
18          these things, is civically involved. And I'm interested in some of us who are thoroughly educated  
19          in how to be civically involved, it was part of our civic education in elementary school and high  
20          school.

21  
22          And if you have educated some, but not educated everyone equally, then even if they can overcome  
23          these impediments, they may not know - they may be at a disadvantage in participating.

24  
25          (Crosstalk)

1     Operator: Goodness. I'm so sorry, Mr. Douglas. This is (Mara). I wanted to let you know, I was able to  
2             get through to someone at the library who is going to go to the room and let them know and make  
3             sure that they have the correct dial in phone number, which I gave him. So hopefully...

4  
5     Melissa Wojnaroski: Fantastic.

6  
7     Operator: Yes. I'm sorry. I'm sorry for the interruption.

8  
9     Melissa Wojnaroski: Thank you so much.

10  
11    Operator: Of course.

12  
13    Melissa Wojnaroski: That's okay. Thank you so much. Sure. I hear what you're saying Chris. Yes.

14  
15    Christopher Douglas: So as Regina, for instance, working at the housing agency for low income, she's  
16             observing that these documents such as birth certificates, are difficult to get. That is a significant  
17             problem. What she could also provide insight into is what is the interest - what is the preparation  
18             for civic engagement that she encounters? Is - are people coming to her and saying we really want  
19             to vote, but we have these issues? Or is she observing these issues that is impeding their ability  
20             to? And I think that both are problems.

21  
22             If there - if people are so out of the loop that - and then you compare that to (Andrew) who has  
23             dealt with cerebral palsy all of his life and is making it a point to vote and to get to these - and to  
24             get to a civic function like this, it's a...

25  
26    Melissa Wojnaroski: Right.

27

1 *Christopher Douglas: It's just a very interesting thing to delve into. And I think that ultimately we can*  
2 *disadvantage people by not educating them.*

3

4 *Operator: And we have the library meeting room reconnected.*

5

6 *Diane Clements-Boyd: Hello?*

7

8 *Christopher Douglas: Hello.*

9

10 *Melissa Wojnaroski: Hello.*

11

12 *Diane Clements-Boyd: Are you there?*

13

14 *Melissa Wojnaroski: Yes.*

15

16 *Diane Clements-Boyd: I'm sorry. I don't know what happened, but we've had a few people speak. Did*  
17 *you hear...*

18

19 *Christopher Douglas: Diane?*

20

21 *Diane Clements-Boyd: Yes?*

22

23 *Christopher Douglas: This is Chris Douglas.*

24

25 *Diane Clements-Boyd: Yes, Chris?*

26



1 Christopher Douglas: The - my observation is that when the recording broke off, that means that - and we  
2 may need to identify when exactly that was, but that means that anything that was said there will  
3 not have been recorded.

4  
5 (Crosstalk)  
6

7 Christopher Douglas: (Nicole) or Melissa, do you - can you comment on where we lost the...  
8

9 (Nicole): Yes. We were discussing people with a variety of polling locations. And there was about being  
10 able to testify - or being able to vote at a variety of different locations, the mall being one of them,  
11 and the accessibility of that.

12  
13 (Crosstalk)  
14

15 Diane Clements-Boyd: Okay. I think...  
16

17 Melissa Wojnaroski: I would say we've been offline for probably ten minutes or so, we've been offline.  
18

19 Diane Clements-Boyd: Okay. We did have two people that spoke and if they're so inclined, if they would  
20 like to come back and provide that information, which I think was very good information. Ms.  
21 Ungar? Are you ready? Come on. Sure.  
22

23 John Gerard: Hi. This is John Gerard. I'm the Election Supervisor for Vanderburgh County. And I'm  
24 responding to one of the things that Ms. Locker stated in her testimony about absentee applications.  
25 And she said she needed a smartphone or a computer. And that's really not true. You could just  
26 call the election office and request an absentee application and we're happy to mail that out to the  
27 person. It is basically filled out and here in Vanderburgh County, we highlight the other areas that  
28 aren't filled out, for them, so they can - and we tell them that. Then that - those are the things that

1 have to be filled in. And provide the envelope, but you have to put the stamp on it, to mail it back  
2 to us.

3  
4 But that is an ease and convenience that every, as far as I know, every election office in Indiana  
5 provides.

6  
7 Robert Dion: And while you're here, if you don't mind, could you say something about the disposition of  
8 provisional ballots? Because the notion was that people aren't being furnished with information  
9 about how to follow up.

10  
11 John Gerard: Well they are provided a - they should be a provided a (Pro 9) form, which is a state election  
12 division form, with that, that does state that some information is needed from them. Seeing that  
13 each case is individual, it doesn't really state for you to put that on that, which I think would be an  
14 excellent idea to have that on the (Pro 9) form itself, with the other one. But each person who does  
15 vote provisionally, is supposed to be provided that (Pro 9) form, which is their right. And states on  
16 there that, you know, that something is needed to be dropped off at the election office in that ten  
17 day period.

18  
19 Robert Dion: Right. In your estimation, would you describe the (Pro 9) form as being in plain language? I  
20 don't know what the criteria is.

21  
22 John Gerard: Parts of it are, but I think it could be tailored to where it's more specific. And I like the idea  
23 of the checkoff list that Ms. Avery testified about.

24  
25 Robert Dion: Thanks.

1 Christopher Douglas: This is Chris Douglas. I've got a question for John. And thank you for speaking. In  
2 terms of getting those absentee ballots and, you know, making that phone call, how is information  
3 provided to people to make them aware of this ability?  
4

5 John Gerard: That's a good question. I mean I - there are a lot of people who we do get calls from. We  
6 do try to open ourselves up and to go to different groups that, you know, make it available that we,  
7 you know, for speaking engagements to civic clubs, etc. as well. There is - other than that - other  
8 than - I don't know. I can just tell you for the last presidential election, we had 5200 mail in ballots,  
9 so I know a lot of times the parties also mail, you know, those out, so we get some of those in.  
10

11 But we get enumerable calls, I can't tell you how many, you know, for each election, providing that  
12 it's already started this year.  
13

14 Christopher Douglas: Is it on the Web site that they can call and...  
15

16 John Gerard: It is on our - it is on - I know it is on the Secretary of State's Web site and it is also on I know  
17 the Vanderburgh County Web site as well. And we normally provide the form on our Web site as  
18 well, with that. But we do also have - do have the election office number there, where they could  
19 call us.  
20

21 Christopher Douglas: In terms of having a ballot sent out, what do they need to supply in order for you to  
22 send that ballot out?  
23

24 John Gerard: We just have to have their application in first, sir.  
25

26 Christopher Douglas: And that application and I apologize, you may have already covered this, but that  
27 application - how is it validated or verifying who they are, as opposed to the voter ID stuff?  
28

1 John Gerard: No voter ID, I mean - no ID is needed on absentee mail ballots.

2

3 Christopher Douglas: And so in terms of where the - address to which it can be sent, it could be sent to  
4 any address the person requests?

5

6 John Gerard: Correct. The form does have the registration address on it and on the next line on the form  
7 it's mail to address if they need to have a second address, or it needs to it's I guess a college  
8 student or if they're on vacation someplace, wherever that - yes, it can be anywhere. So you have  
9 the registration line where they are registered and then below that is the mail to wherever they  
10 would like that ballot sent.

11

12 Christopher Douglas: You know, we're sort of looking at questions of equal protection.

13

14 Diane Clements-Boyd: Chris, this is Diane. There are two other people that need to speak, so I just wanted  
15 to make...

16

17 Christopher Douglas: I'm sorry. Oh, my apologies. I'll come back.

18

19 Diane Clements-Boyd: We do have testimony or information coming from Ms. Locker. She did find the  
20 statistical analysis of states as it relates to A and F grades. So I'm not sure if you all heard that.  
21 So we're going to have her come back...

22

23 Christopher Douglas: No.

24

25 Diane Clements-Boyd: ...to provide that.

26

27 Robert Dion: It's not good Chris.

28

1 Pam Locker: Now we totaled up the grades. There aren't any As, 11 Bs, one CB, 21 Cs, 11 Ds, one CD,  
2 three DFs and two Fs. So we are one of the two Fs.

3  
4 Christopher Douglas: Nowhere to go but up.

5  
6 Pam Locker: Yes, right.

7  
8 Diane Clements-Boyd: Thank you Ms. Locker. We're also going to repeat testimony by Regina Ungar, that  
9 spoke when the line apparently were not engaged.

10  
11 Regina Robinson-Ungar: Hello. This is Regina Ungar. So I had three comments I think when I was here.  
12 And I wanted to - I had a note about which counties did not report write in votes for Indiana. And  
13 they are 16 counties. They are Clark, Crawford, Fayette, Fulton, Martin, Newton, Noble, Orange,  
14 Pike, Posey, Randolph, Rush, Stark, Sullivan, Tipton and Warwick. I believe Warwick is the only  
15 one of those that is medium sized. But it matters nonetheless.

16  
17 So for my second comment I wanted to mention ranked choice voting as an interesting option for  
18 getting the voters will more accurately reported. I don't know that I need to explain what rank choice  
19 voting is again, but basically the lowest number of votes received by a candidate would have all of  
20 those votes transferred to the voters' next choice candidate. And it would go until a majority of  
21 votes was reached and one candidate would win. It's obviously available to be looked up.

22  
23 And my third comment was about felon voting and how it is one good thing we are doing right in  
24 Indiana and that I have canvased both in Indiana and in Kentucky where felons cannot vote. And  
25 that I heard so many stories in just a few days of people who were not able to vote after having  
26 served their time in prison. And that it is not a good thing for democracy for helping felons feel  
27 included in society and respected by the wider community. And it's generally something we can

1 be proud of in Indiana and support the rights of those with felonies in other states, to have their  
2 voting rights restored. Thank you.

3  
4 Diane Clements-Boyd: Thank you. Chris, did you have any other questions for any of our speakers?

5  
6 Christopher Douglas: Yes. I was curious with the - this is for John. You know, the voter ID laws were in  
7 theory, you know, they were promoted I guess, by the Secretary of State at the time, I think on the  
8 argument that - arguments about voter fraud. And the absentee voter - I thought it was always very  
9 interesting that the absentee voter effort, seems to me to have equal propensity or ease of fraud if  
10 that were really a concern. And so the question is why one and not - why was one fraud attempted  
11 to be addressed and not the other.

12  
13 And I guess for John, as you observe this question, do you think that one form of challenge to the  
14 voter is - versus the other form of challenge to the voter reveals any equal protection issues as to  
15 who is more facilitated or less facilitated under one system or the other? Does it - should we be  
16 concerned as to why - if voter fraud is the issue, why we've approached one and left the other, it  
17 seems to me, relatively free from concern.

18  
19 John Gerard: I can't answer that question. I have no idea. I just follow the rules of Indiana. The only thing  
20 that I will say that we do for the most part, we do have - most of them we have their signature if  
21 they do have a license or has been provided on the registration form or whatever. And we do  
22 compare that, but that is the only form of reason or whatnot that we look at it for any sort of  
23 identification whatsoever. And if there is anything, it's fine, but that is just part of it. We just have  
24 to make sure that the application and the voting on the ballot, the signature on their envelope ballot,  
25 is the same. And if there's one in the system that all three match.

26  
27 Christopher Douglas: John, there was a fellow, and I guess I won't identify it considerably, except there  
28 was a documentary some years ago of a fellow in Florida that had significant amounts of timeshare

1 condominiums, huge businesses in it who - he made a claim that he had - that the election in Florida  
2 was owed to him. And he said I can't really say why; it would be - it wasn't strictly legal. And I  
3 began to wonder would it be possible for somebody with let's say an apartment block or a hotel or  
4 where people are rotating in with their timeshare arrangement where people - to make applications  
5 on behalf of the voters on who may not know that an application is being made on their behalf and  
6 pull in large blocks of absentee ballots and cast them?

7  
8 John Gerard: I would see that - I mean those votes could still be challenged by anyone and those are given  
9 - those are public record and I know the party chairmen do get records of the - of where they are.  
10 So if we saw something - a large amount of absentees in one place, I'm sure it's going to raise red  
11 flags for some people to then question that. Being the election official, that's not our job to do other  
12 than to maybe raise the concern to someone else, if they wanted to do something about that.

13  
14 And once again, they're going to - we're looking at the signatures too, so they would have to be  
15 registered in that state. You know, registered with us, you know, if they're voting with that. So I  
16 think we have the appropriate protocol so to speak, with that. So to make things as easy as  
17 possible, but yet we have a couple of things with that, to try to make sure that fraud doesn't happen.

18  
19 Christopher Douglas: And have you seen evidence of fraud personally, in your career, that is attempted  
20 voter fraud?

21  
22 John Gerard: I know of absentee ballots that have been challenged, yes, for that reason. And - but we're  
23 talking about a very, very small number.

24  
25 Christopher Douglas: And then aside from that, I hear you on absentee ballots, but have you seen any - I  
26 mean have you seen any evidence of attempted fraud?

27  
28 John Gerard: No. I have not. No. I have - yes.

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Diane Clements-Boyd: Yes?

Patricia Avery: This is Patty Avery, and I do just want to state for the record, that I don't know if it is the only conviction of in person voter fraud in Indiana, but Indiana Secretary of State, Charlie White was convicted of voter fraud. So I just want to iterate that in person voter fraud is nearly nonexistent. Cases have shown that across the whole country there are what, fewer than a dozen or a couple dozen in person voter fraud attempts across millions and millions and millions of votes. And yet states have enacted these laws. Indiana was a test case for this law, because we are often a test case for these types of laws that are promoted by (ALEC) and that are designed to disenfranchise people.

So I do want to point out that it's a law that addresses a nearly nonexistent problem.

Dennis Avery: Universities.

Patricia Avery: And universities. Excuse me. My husband just pointed out to me that college students because their ID has to match their driver's license, since this law passed, and their college IDs even if they are state universities, they don't have an expiration date. And so for example, here in Evansville, at the University of Southern Indiana, they can't use their university ID to vote. They have to have transferred their driver's license to their dorm address at USI. And what college student bothers to do that?

And so to - for a college student to vote, for them to have to request an absentee ballot from home, is a ridiculous burden. College students should be allowed to vote in their college communities, otherwise you significantly cut their voter participation. And if we want this new generation to participate in elections, we need to facilitate their right to vote. Thank you.



1 Robert Dion: Thank you.

2

3 Diane Clements-Boyd: We have reached the 1:00 hour and we certainly want to thank everyone that came  
4 out today and spoke and provided information. And now let me get back on the script here. Please  
5 allow me to thank all of our speakers today. On behalf of the Indiana Advisory committee we  
6 certainly appreciate you providing testimony on the topic of voting rights in Indiana. The information  
7 was very informative and enlightening. The record will remain open through April 2, 2018. If  
8 anyone would like to submit written comment, please send to MWROINTERNT@USCCR.gov. Or  
9 mail to USCCR, US Commission on Civil Rights, 55 West Monroe, Suite 410, Chicago, Illinois  
10 60603.

11

12 Again, please allow me to remind you that today's meeting is part 2 of a three part series the  
13 committee will hear on this topic. On Friday, March 2nd, the committee will hear additional panel  
14 testimony and public comment at Ivy Tech Community College Event Center, 2820 North Meridian  
15 Street, Indianapolis, Indiana 46208. We will follow up with all attendants, with all in attendance, to  
16 provide the minutes and transcript from this meeting, and a link to access those records.

17

18 We will also notify everyone when the committee is meeting for discussion and when the report is  
19 ready. Again, I would like to thank our speakers and our committee members, for participating this  
20 morning. If there is no further business, I will adjourn this public forum. Thank you very much.

21

22 Robert Dion: Thank you.

23

24 Christopher Douglas: Thank you all for participating.

25

26 Operator: Ladies and gentlemen again, that does conclude today's conference. Thank you once again,  
27 for your participation.

**In The Matter Of:**

*INDIANA ADVISORY COMMITTEE US COMM ON CIVIL RIGHTS  
PUBLIC MEETING RE: STATUS OF VOTING RIGHTS IN INDIANA*

---

*March 2, 2018*

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*WILLIAM F. DANIELS, D/B/A ACCURATE REPORTING OF INDIANA  
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Min-U-Script® with Word Index

BEFORE THE INDIANA ADVISORY COMMITTEE  
TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS

- - -

PUBLIC MEETING REGARDING  
THE STATUS OF VOTING RIGHTS IN INDIANA

- - -

PROCEEDINGS

in the above-captioned matter, before the Indiana  
Advisory Committee, Diane Clements-Boyd, Chair,  
taken before me, Lindy L. Meyer, Jr., a Notary  
Public in and for the State of Indiana, County of  
Shelby, at the Ivy Tech Community College Event  
Center, 2820 North Meridian Street, Indianapolis,  
Indiana, on Friday, March 2, 2018 at 9:11 o'clock  
a.m.

- - -

William F. Daniels, RPR/CP CM d/b/a  
ACCURATE REPORTING OF INDIANA  
12922 Brighton Avenue  
Carmel, Indiana 46032  
(317) 848-0088

1     **APPEARANCES:**

2     **INDIANA ADVISORY COMMITTEE:**

3         Diane Clements-Boyd, Chair  
 4         Robert Dion  
        James Haigh  
 5         Patti O'Callaghan  
        Tony Kirkland  
 6         Billy McGill  
        Ernesto Palomo  
        Tammi Davis  
        Christopher Douglas

7     **LEGAL PANEL:**

8         William R. Groth                     Page 9  
        Jan Mensz                             Page 21  
 9         Barbara Bolling-Williams         Page 32

10    **ADVOCACY PANEL:**

       Dawn Adams                           Page 65  
 11       Patsy Hoyer                         Page 72  
        Julia Vaughn                         Page 81  
 12       Steven Monroy                       Page 89

13    **ACADEMIC PANEL:**

       Dr. Bernard L. Fraga                 Page 141  
 14       Dr. Vanessa Cruz Nichols           Page 160  
        Dr. David Campbell                 Page 177

15    **GOVERNMENT PANEL:**

16       Brandon Clifton                     Page 217  
        Russell Hollis                     Page 226  
 17       Karen Celestino-Horseman           Page 236  
        Tim Maguire                         Page 246

18  
 19    **PUBLIC SPEAKERS:**

       Brandon Herget

20  
 21    **OTHERS PRESENT:**

       J. Bradley King  
 22       Angie Nussmeyer  
        Jerry Bonnet  
 23       Melissa Wojnaroski  
        Nicole Winston

24                     -   -   -

25

1 9:11 o'clock a.m.  
2 March 2, 2018

3 - - -

4 MS. CLEMENTS-BOYD: Good morning,  
5 everyone. The meeting of the Indiana Advisory  
6 Committee to the U.S. Commission on Civil Rights  
7 shall come to order. For the benefit of those in  
8 the audience, please allow me to introduce my  
9 colleagues and myself. My name is Diane  
10 Clements-Boyd, and I have the privilege of serving  
11 as Chairperson of the Indiana advisory committee.

12 Also joining me are members of the  
13 Committee. The following members are present  
14 today: Tammi Davis -- and you may want to just  
15 raise your hand so they'll know how you are --  
16 Robert Dion; Christopher Douglas; James Haigh;  
17 Tony Kirkland; Billy McGill; Patty O'Callaghan;  
18 Ernesto Palomo; and Ellen Wu is en route, she  
19 should be here sometime today; as well as  
20 Elizabeth Cierzniak.

21 Also present with us today are Melissa  
22 Wojnaroski, Civil Rights Analyst, and Carolyn  
23 Allen, Administrative Assistant, and Nicole  
24 Winston, Civil Rights Intern. Thank you so much  
25 for all you do, staff.

The U.S. Commission on Civil Rights is an

1 independent bipartisan agency of the Federal  
2 Government charged with studying discrimination or  
3 denial of equal protection of the laws because of  
4 race, color, religion, sex, age, disability, or  
5 national origin, or in the administration of  
6 justice.

7           Please allow me to acknowledge and thank  
8 Chair Catherine E. Lhamon and the U.S. Commission  
9 on Civil Rights for taking up the issue of  
10 assessment of voting rights obstacles and  
11 statutory enforcement report for fiscal year 2018.  
12 In each of the 50 states and the District of  
13 Columbia, an Advisory Committee to the Commission  
14 has been established, and they are made up of  
15 responsible persons who serve without compensation  
16 to advise the Commission on relevant information  
17 concerning their respective state.

18           Today, our purpose is to hear testimony  
19 regarding voting rights in Indiana, in an effort  
20 to discern if there are discriminatory barriers to  
21 voting in the state. Among the responsibilities  
22 of each Advisory Committee is to inform the  
23 Commission of any knowledge of information it has  
24 of any alleged deprivation of the right to vote,  
25 and to have the vote counted by reason of color,

1 race, religion, sex, age, disability, or national  
2 origin, or that citizens are being afforded or  
3 denied the right to vote in federal elections as a  
4 result of patterns or practices of fraud or  
5 discrimination, and to advise the Commission  
6 concerning matters related to discrimination or  
7 denial of the equal protection of the laws under  
8 the Constitution and the effect of the laws and  
9 policies of the Federal Government with respect to  
10 equal protection of the laws.

11 Through this study and, consequently, the  
12 purpose of the forum today is to provide the  
13 Indiana Advisory Committee testimony and  
14 information to examine any impediments to voting  
15 rights and the impact on voter participation in  
16 Indiana.

17 Specifically, the Committee will examine  
18 the extent to which voters in the state have free,  
19 equal access to exercise the right to vote,  
20 without regard to race, color, disability status,  
21 national origin, age, religion, and/or sex, and  
22 whether Indiana, in its application of its laws  
23 and regulations, is meeting its equal protection  
24 obligation in accord with its own Constitutional  
25 mandates on the topic of free and fair election.

1           Today, if speakers begin to veer away from  
2   the civil rights questions at hand to discuss  
3   possibly important, but unrelated topics, I will  
4   interrupt and ask that you refrain from doing so.  
5   At the outset, I want to remind everyone that this  
6   meeting is being recorded and being transcribed  
7   for the public record.

8           Today's meeting is the third in a  
9   three-part series of public meetings on the topic.  
10   The Committee also heard testimony on the topic  
11   via Web conference on February 12th, and held an  
12   open comment period in Evansville on  
13   February 17th. We are fortunate and thankful to  
14   have such balanced and diverse panelists to share  
15   information with us at these meetings.

16           I would also like to present the ground  
17   rules for today's meeting. This is a public  
18   meeting open to the media and the general public.  
19   We have a very full schedule of people who will be  
20   making presentations without the limited -- within  
21   the limited time available. The time allotted for  
22   each presentation must be strictly adhered to.  
23   This will include a presentation by each panelist  
24   of approximately 15 minutes.

25           After all of the panelists have concluded



1     their statements, the Committee members will  
2     engage them in questions and answers. To  
3     accommodate persons who are not on the agenda who  
4     wish to make statements -- but wish to make  
5     statements, we scheduled two open sessions today,  
6     at 12:00 noon and 4:15.

7             In addition, written statements may be  
8     submitted by mail to the U.S. Commission on Civil  
9     Rights at 55 West Monroe Street, Suite 410,  
10    Chicago, Illinois, 60603, or by e-mail to  
11    mwojnaroski@usccr.gov. You may also call  
12    312-353-8311 for more information.

13            Though some of the statements made today  
14    may be controversial, we want to ensure that all  
15    invited guests do not defame or degrade any person  
16    or organization. As the Chair, I reserve the  
17    privilege to cut short any statements that defame,  
18    degrade, or do not pertain to the issue at hand.

19            In order to ensure that all aspects of the  
20    issues are presented, knowledgeable persons with a  
21    wide variety of experience and viewpoints have  
22    been invited to share information. Any person or  
23    organization that feels defamed or degraded by  
24    statements made in these proceedings may provide a  
25    public response during the open comment period.

1 Alternately, such persons or organizations can  
2 file written statements for inclusion in the  
3 proceedings.

4 I urge all persons making presentations and  
5 comments to be judicious in their statements. The  
6 Advisory Committee does appreciate the willingness  
7 of all participants to share their views and  
8 experiences with the Committee.

9 Finally, the rules for questions and answer  
10 portions of the panel discussion is as follows:  
11 The Committee will ask questions of the entire  
12 panel or individual members of the panel after the  
13 panelists have had the opportunity to provide  
14 their prepared statements. Advisory Committee  
15 members must be recognized by the Chair before  
16 asking any questions of the participants, please.

17 I would ask that Committee members please  
18 identify yourself by your full name, and when  
19 asking questions, speak into the microphones.  
20 This will assist the court reporter for today,  
21 Mr. Lindy Meyer. In addition, because of the  
22 large numbers of members and short amount of time,  
23 each Committee member will be limited to one  
24 question plus a follow-up. When five minutes are  
25 left in the session, I will announce that the last

1 question may be asked.

2 So, with that, we are ready for our first  
3 panel, and we see that they are all here, and I  
4 would like to introduce all of them, and then we  
5 will proceed. First we have with us Mr. William  
6 Groth, counsel with Fillenwarth Dennerline Groth &  
7 Towe, LLP; and we also have with us Jan Mensz,  
8 Staff Attorney, ACLU of Indiana; and last but  
9 certainly not least, we have Barbara Bolling,  
10 attorney and President of the Indiana Chapter of  
11 the NAACP.

12 Welcome all of you.

13 MR. MENSZ: Thank you.

14 MS. CLEMENTS-BOYD: We will now hear  
15 from Attorney William Groth.

16 Attorney Groth, welcome, and please  
17 proceed.

18 MR. GROTH: Thank you, Madam Chair and  
19 members of the Committee. I appreciate the  
20 invitation to present my views here this morning,  
21 particularly with the distinguished fellow members  
22 of my panel.

23 Are you picking me up okay, sir?

24 THE REPORTER: Yes.

25 MR. GROTH: All right. Good.

1           As the first speaker at this public meeting  
2   to examine voting rights in Indiana, my goal is to  
3   provide an overview of Indiana's election laws.  
4   I'm planning to examine how Indiana rates in  
5   relation to other states in providing access to  
6   the ballot box, and I'll look at the impact of our  
7   election laws on voter turnout.

8           The six categories of election laws I'll be  
9   discussing are: Voter registration; poll closing  
10   times; absentee voting, both early in person and  
11   mail in; time off work to vote laws; voter ID  
12   laws; and partisan gerrymandering. Obviously I  
13   won't have time to do justice to any one of those  
14   topics, but I'll do the best I can to provide an  
15   overview.

16          While I'll be discussing each of these laws  
17   or regulations separately, it's important to  
18   consider the cumulative burdens imposed by  
19   Indiana's overall scheme of electoral regulations  
20   and to bear in mind that these rules are imposed  
21   by a state legislature which is controlled by the  
22   political party in power, which has an incentive  
23   to shape the rules of the electoral game to their  
24   own benefit. Those aren't my words, those are the  
25   words of Justice O'Connor.

1           I'll examine these laws under the  
2           theoretical construct used by political scientists  
3           that study voter turnout, known as the calculus of  
4           voting. That theory holds that a person will make  
5           the effort to vote if the probability of one's  
6           vote determining the outcome multiplied by the net  
7           psychological benefit of seeing one's preferred  
8           candidate win is greater than the costs associated  
9           with voting. And those costs include both the  
10          tangible and the intangible, such as the time,  
11          resources and activity needed to overcome the  
12          barriers to registering to vote, and to  
13          successfully casting a ballot that is assured of  
14          being counted.

15          The decision to vote is often a very  
16          tenuous one, and it's so tenuous that in many  
17          instances, even something as trivial as bad  
18          election day weather or the changing of poll  
19          locations may dramatically alter turnout. A  
20          recent example -- or recent study by the  
21          Government Accounting Office found that imposing a  
22          strict photo ID law decreased turnout overall by  
23          two to three percent, and that the negative effect  
24          was slightly larger among blacks than whites.

25          What may superficially appear to be equal

1 costs uniformly imposed by a particular voting  
2 regulation can be far more burdensome for  
3 African-Americans, Latinos, young people, and  
4 those at or near the poverty line, all of whom  
5 happen to be traditional supporters of Democratic  
6 Party candidates. Those persons are less able to  
7 withstand incremental increases in the costs of  
8 voting, and may be dissuaded from voting at all if  
9 the costs become too great.

10 Let's look at recent voter turnout  
11 statistics in Indiana. In 2008, in the general  
12 election, 62 percent of registered Hoosiers voted.  
13 That year, Marion county, which is where we are,  
14 had three operational early voting locations, the  
15 only year satellite sites were approved in this  
16 county. In 2012, the turnout dropped four percent  
17 to 58 percent in the general election. We look at  
18 the next off year election in 2014, only 30  
19 percent of Indiana's registered voters cast  
20 ballots, which was the lowest turnout rate in the  
21 nation. And in 2016, 58 percent of Hoosiers voted  
22 in the general elections, which put us in 38th  
23 place.

24 Now, let's turn to some of the election  
25 laws that we operate under in this state that

1 possibly contribute to our rather abysmal voting  
2 rates. First, I want to look at voter  
3 registration. It may seem like a fairly  
4 noncontroversial topic, but it is an important  
5 one. Under the Indiana Constitution, back in 1881  
6 the General Assembly, or actually -- well, the  
7 General Assembly passed an amendment to the  
8 Constitution that required that the legislature  
9 provide for a uniform registration of all persons  
10 qualified to vote.

11 Under Article 2, Section 2(a) of the  
12 Indiana Constitution, to register to vote in  
13 Indiana, a person must meet basically four  
14 qualifications. One is to be a citizen of the  
15 United States, to have resided in the precinct at  
16 least 30 days before the next election, to be at  
17 least 18 years of age on the day of the next  
18 general election, and not be currently  
19 incarcerated following a criminal conviction.

20 A citizen of Indiana cannot vote without  
21 first being registered. Indiana shuts off voter  
22 registration 29 days before election day, which is  
23 the earliest date permitted by federal law. It's  
24 important to note that 34 other states close  
25 registration activities nearer to election day, or

1 they have, in the case of North Dakota, no voter  
2 registration at all.

3 An increasing number of states, now up  
4 to 17, have enacted same-day-registration laws.  
5 The six states with the highest voter turnout  
6 in 2016 each offered same-day registration. Voter  
7 turnout in states with same-day registration was  
8 seven points higher than states without that  
9 option. And in Oregon, the first state to  
10 implement automatic voter registration, which is  
11 proactive registration at DMV transactions, saw  
12 the highest turnout increase of any state  
13 since 2012.

14 So, the evidence suggests that easing voter  
15 registration laws, especially adopting same-day  
16 registration or some version thereof, leads to a  
17 significant increase in participation in the  
18 electoral process.

19 Next let's look at poll closing times. By  
20 statute, Indiana closes its polls on election day  
21 at 6:00 p.m. Only two other states close their  
22 polls that early, one being Kentucky, the other, a  
23 little more understandable, Hawaii. Twenty states  
24 close their polls at 7:00 p.m., four states at  
25 7:30, 18 states at 8:00 p.m., and three states



1 leave their polls open until 9:00 p.m. Indiana's  
2 early poll closing time is a particularly  
3 difficult obstacle for some workers and students  
4 with inflexible schedules or families with young  
5 children who may have child care responsibilities,  
6 and for many persons who live near or below the  
7 poverty line.

8 As a Federal District Judge in Pennsylvania  
9 recently observed, and I quote, we would be blind  
10 to reality if we did not recognize that many  
11 individuals have a limited opportunity to go to  
12 the polls on election day due to their jobs, child  
13 care and family responsibilities, and other  
14 weighty commitments. Life does not stop on  
15 election day.

16 Next, I want to look at early in-person and  
17 mail-in absentee voting. No-excuse -- thank you.  
18 No-excuse absentee voting can help mitigate the  
19 effects of the closed period of time for voting on  
20 election day. The two principal methods of  
21 absentee voting in Indiana are early in-person  
22 absentee voting, which doesn't require an excuse;  
23 the other is mail-in absentee voting, which can be  
24 done only under certain conditions. Indiana is  
25 one of 37 states that permits no excuse early

1 in-person absentee voting. It must take place, by  
2 statute, at the office of the county clerk;  
3 however, a county election board can, by unanimous  
4 vote, open or authorize the opening of satellite  
5 offices for absent -- EIP, early in-person  
6 absentee voting.

7 I want to talk briefly about Marion  
8 County's experience with that. We last approved  
9 satellite voting locations in 2008. That year  
10 Indiana's electoral votes were cast for the  
11 Democratic Presidential candidate for the first  
12 time in 44 years. And ever since then, the  
13 Republican-appointed member of the Marion County  
14 Election Board has consistently vetoed approval of  
15 satellite sites.

16 This has left Indiana -- I'm sorry -- this  
17 has left Indiana's most populous county and the  
18 one with the highest number and percentage of  
19 minority voters with only a single ill-equipped  
20 EIP voting site, with little or no free parking.  
21 A resident of Marion County must -- without  
22 private transportation -- must pay for public  
23 transportation to get to the City-County Building,  
24 and a person with a private vehicle must pay for  
25 parking and the gas to get downtown if they live

1 in one of the outlying townships.

2 Outside of Marion County, satellite sites  
3 with easily accessible free parking have been  
4 routinely approved. While in 2016 the ratio of  
5 EIP absentee voting sites to registered voters in  
6 Marion County was one to 715,000 registered  
7 voters; in Hamilton County, it was one site per  
8 77,000 voters; in Hendricks County, one per 27,000  
9 voters; and in Boone County, one per 5,500 voters.

10 The impact of satellite sites on turnout is  
11 self-evident. In 2008, with two satellite  
12 locations, 73,549 Marion County voters cast an  
13 early in-person absentee ballot. Without  
14 satellite sites in 2012, that number dropped to  
15 39,000, and in 2016, it crept up only slightly, at  
16 46,000.

17 I'm presently involved in a lawsuit pending  
18 in Federal Court, which contends that the Election  
19 Board's refusal since 2008 to approve satellite  
20 sites violates the equal protection and First  
21 Amendment rights of Marion County voters. That  
22 suit asks the Federal Court to enjoin the Board to  
23 open at least two satellite locations for the  
24 primary election this year, and later for the  
25 general. The arguments have been fully briefed,

1 and we're waiting for the Court's ruling as we  
2 speak.

3 Real quickly, time-off-work-to-vote laws  
4 are on the books in 20 states. Indiana does not  
5 have one. We did it one time, and I think it was  
6 repealed several decades ago.

7 I could talk a lot about voter  
8 identification, if I have time, but I probably  
9 will defer some that to perhaps one of my fellow  
10 panel members. I did litigate the challenge to  
11 Indiana's photo ID law that wound up at the  
12 U.S. Supreme Court.

13 We now know that Indiana is one of only  
14 seven states with strict photo ID laws. That  
15 means that voters without acceptable state-issued  
16 photo ID must vote a provisional ballot, and then  
17 take additional steps after election day for that  
18 provisional ballot to be opened and counted. In  
19 Indiana, this involves making a trip to the local  
20 office of the Circuit Court Clerk and presenting  
21 acceptable ID so the provisional ballot has a  
22 chance of being counted.

23 We're still in the minority in terms of  
24 having strict ID law. Twenty-four states have  
25 nonstrict ID laws, meaning that they'll accept a

1 broader range of identifying documents, and that  
2 they don't require any further action by the  
3 voter. The voter is permitted to cast a regular  
4 ballot, doesn't have to come back or make a second  
5 trip.

6 Now, I could talk about the Supreme Court's  
7 decision, the ruling in that case by Justice  
8 Stevens. It was obviously a splintered vote. A  
9 couple of the judges -- this was quite an unusual  
10 phenomenon, but one of the judges on the Seventh  
11 Circuit and one of the justices on the Supreme  
12 Court have -- have publicly expressed doubts as to  
13 whether they got that decision right. So -- but  
14 unfortunately, the Indiana law spawned a number of  
15 copycat laws, and as you know, that's a very hot  
16 topic being litigated today in the Federal Courts.

17 And then briefly, I'll wrap it up with just  
18 a few comments about gerrymandering. There can be  
19 little doubt that extreme partisan gerrymandering  
20 affects voter turnout, because voters don't see  
21 their votes as mattering where the results appear  
22 to be preordained.

23 According to the Cook Political Report, in  
24 2016, out of 435 House races, only 33 ended up  
25 being competitive, meaning the margin of victory

1     was within ten percent.  None of those  
2     Congressional races were in Indiana.  In 2016, of  
3     the 25 Indiana State Senate seats that were up, 14  
4     were uncontested, and in the Indiana house, of the  
5     100 seats that were up, 32 were uncontested.

6             Political scientists have come up with a  
7     new methodology called the efficiency gap, in an  
8     attempt to measure the extent to which a plan, a  
9     redistricting plan, disproportionally wastes votes  
10    from persons supporting a particular political  
11    party.  It was developed by a political scientist  
12    by the name of Stephanopoulos, and McGhee.

13            And the methodology was recently used by a  
14    three-judge Federal Court in striking down  
15    Wisconsin's 2011 legislative redistricting plan as  
16    an unconstitutional partisan gerrymander.  As you  
17    probably know, that case, Whitford -- or Gill  
18    versus Whitford, is pending presently before the  
19    U.S. Supreme Court.

20            Applying that efficiency gap methodology to  
21    Indiana elections in the past decade, we know that  
22    gerrymandering allowed Republicans to win, on  
23    average, an additional 11 House seats in elections  
24    held this decade, and in the State Senate, even  
25    more egregious partisan gerrymandering has

1 produced at least an additional ten seats out  
2 of 50 held in elections held this decade.

3 MS. CLEMENTS-BOYD: Mr. Groth?  
4 Mr. Groth?

5 MR. GROTH: Yes.

6 MS. CLEMENTS-BOYD: We will certainly  
7 come back and possibly ask you additional  
8 questions.

9 MR. GROTH: All right.

10 MS. CLEMENTS-BOYD: Thank you.

11 MR. GROTH: I'm wrapping up. That's  
12 it.

13 MS. CLEMENTS-BOYD: Okay. Thank you.  
14 Thank you so much, Mr. Groth.

15 And now we will hear from a staff attorney  
16 for the ACLU, Jan Mensz. Thank you for being  
17 here, and when you're ready, proceed.

18 MR. MENSZ: Thank you, Madam Chair,  
19 and thank you to the Committee for having me here.  
20 Again, my name is Jan Mensz. I'm a staff attorney  
21 for the ACLU of Indiana.

22 Just by way of background, the ACLU  
23 litigates voting cases both through its chapters  
24 and through its national voter rights project.  
25 The ACLU of Indiana specifically has been involved

1 in a number of voting and election-related cases,  
2 including Crawford versus Marion County Board of  
3 Election, which involved, as Mr. Groth mentioned,  
4 the voter ID law here in Indiana; Common Cause  
5 Indiana versus the Indiana Election Commission,  
6 which involved the process for electing judges  
7 here in Indiana; and then my personal favorite,  
8 the ACLU versus Indiana Secretary of State, which  
9 involved the ability to take a selfie with your  
10 ballot.

11 So, I'm going to focus on two topics, voter  
12 list maintenance, and if I have time, the  
13 aftermath of the Crawford decision on photo ID  
14 requirements in Indiana.

15 First, when I use the term "voter list  
16 maintenance," I'm talking about the process for  
17 ensuring voter registration lists remain current  
18 and accurate. In 1993, the Federal Government  
19 passed the National Voter Registration Act, the  
20 NVRA, which is popularly known as the Motor Voter  
21 Act, which sought to make both -- make it both  
22 easier to register to vote and to require states  
23 to do more to identify and remove voters who were  
24 no longer eligible to vote.

25 In passing the Act, Congress recognized



1     that, and I quote, restrictive registration laws  
2     and administrative procedures were introduced in  
3     the United States in the late 19th and early 20th  
4     Centuries to keep certain groups of citizens from  
5     voting. As examples Congress cited poll taxes,  
6     literacy tests, residency requirements, elaborate  
7     administrative procedures, and selective purges of  
8     voter registration rolls implemented by states to  
9     suppress the vote.

10           Congress therefore passed the NVRA to  
11     increase the number of eligible citizens who  
12     register to vote and to enhance the participation  
13     of eligible citizens as voters in elections for  
14     federal office, and also to ensure that accurate  
15     and current voter registration rolls are  
16     maintained. It did this by mandating certain  
17     procedures for registered voters -- for  
18     registering voters; for example, mandating that  
19     voter registration be offered at the DMV when you  
20     apply for your driver's license.

21           And also providing procedures for calling  
22     voter registration lists, and that's the procedure  
23     I'm going to focus on today. The NVRA  
24     requirements -- the NVRA gives five reasons why  
25     you might remove a voter from a voter registration

1 list. One is by a voter's specific request,  
2 another is for a criminal conviction, mental  
3 incapacity, death, and change of residence.

4 The NVRA sets forth several requirements  
5 concerning how and when a state may review [sic] a  
6 voter from the rolls for any of these five  
7 reasons, but the two I will focus on are the  
8 requirements where the state has objective and  
9 reliable information that a voter has changed  
10 their residence.

11 The first requirement is that the election  
12 official must send a confirmation notice to the  
13 voter's registered address, and if the voter  
14 responds, that's sort of the end of the matter,  
15 and they either confirm their current residence or  
16 they respond and say they have in fact moved.

17 But if the voter doesn't respond or the  
18 notice is returned undeliverable, the election  
19 official must wait two election cycles during  
20 which the voter has not -- and those are federal  
21 election cycles -- during which the voter has not  
22 voted or appeared to vote before they can cancel  
23 the voter registration record.

24 The one question that is arguably left open  
25 by the NVRA is: What constitutes objective,

1 reliable information that a voter has changed  
2 their residence? And the Act really only gives  
3 one example, and that's when a person gives --  
4 provides registration notice to the -- I'm  
5 sorry -- provides change of address notification  
6 to the U.S. Postal Service, what's popularly known  
7 the COA notice.

8 In this case, the Post Office has the name  
9 of the registrant, a prior address where the voter  
10 has indicated they no longer live or at least want  
11 mail forwarded from. With this information, under  
12 the NVRA, an election official could start the  
13 notice of waiting period process for removal. But  
14 again, even with that information, this important  
15 procedural process is applied.

16 The NVRA has been on the books for 25 years  
17 now, and we have really seen an uptick in voter  
18 list maintenance activity nationally over the last  
19 few election cycles. The U.S. Election Assistance  
20 Commission, which tracks this data, found that  
21 between 2014 and 2016, 16.7 million people, or 8.8  
22 percent of all eligible voters, were removed  
23 through voter list maintenance efforts. This was  
24 an increase of 1.9 million from the previous  
25 period, between 2012 and 2014.

1           One of the drivers of this has been a  
2   program that was established by the Secretary of  
3   State of Kansas, Kris Kobach, which is known as  
4   the Interstate Voter Registration Crosscheck  
5   program, or simply Crosscheck. That purports to  
6   identify voters who have moved to and registered  
7   to vote in another state.

8           It does this by comparing certain voter  
9   registration information provided by participating  
10  states to identify matches. Indiana and about 30  
11  other states participate in this program and use  
12  it as a basis for removing registrants on the  
13  voter rolls. The reliability of the Crosscheck  
14  program has been called into question.

15          Crosscheck typically uses the first name,  
16  last name and date of birth for registrants to  
17  make a match, but studies have shown that  
18  statistically it is more common than you would  
19  think that two people have the same name and date  
20  of birth, something known as the Birthday paradox,  
21  and this probability only increases the larger the  
22  pool, the sample size that you're working with.

23          So, as a result, Crosscheck is estimated to  
24  match 200 unique legitimate voters for every  
25  registrant that could be used to cast a double

1 vote, which is a huge error rate. Obviously the  
2 chances of getting a false hit depends, in large  
3 part, on the commonality of the name.

4 And what's really troubling from a civil  
5 rights perspective is that some -- some studies  
6 have found that certain racial and ethnic minority  
7 populations are more likely to have the same first  
8 and last name, making them disproportionately  
9 susceptible to a false hit. So, for example, one  
10 researcher found that Crosscheck flagged one in  
11 six Latinos, one in seven Asian-Americans, one in  
12 nine African-Americans as potential double  
13 registrants.

14 Indiana uses data from Crosscheck to  
15 initiate the process for removing voters from the  
16 voter rolls, but until recently, Indiana law  
17 required that any removal based on Crosscheck, a  
18 Crosscheck match, was subject to election  
19 officials sending a confirmation notice and  
20 waiting two election cycles before any removal,  
21 which is required under the NVRA.

22 In 2017, however, the Indiana legislature  
23 passed -- I'm sorry -- in 2016, the Indiana  
24 legislature passed the Senate Enrolled Act 442,  
25 which eliminated this requirement. It now permits

1 counties to remove a registrant based on a  
2 Crosscheck match immediately.

3 The NAACP and the League of Women Voters  
4 and Common Cause Indiana filed suit to block the  
5 new law. Essentially, the cases argue that the  
6 state violated the NVRA by failing to ensure the  
7 notice and waiting period procedures are followed  
8 whenever Crosscheck is used as a basis for  
9 removing a voter from the rolls.

10 The plaintiffs in that case plan to move  
11 for preliminary injunction next week and, of  
12 course, we -- the ACLU is representing Common  
13 Cause Indiana, along with our partners at Demos,  
14 which is a voter rights organization in New York,  
15 and the law firm of Davis Wright Tremaine and the  
16 Voter Rights Project, also located in New York.  
17 So, this is a large effort that is in the early  
18 stage of litigation right now, but this is an  
19 important matter from a policy perspective.

20 And as I mentioned, the voter list  
21 maintenance activity has been increasing  
22 nationally, and, of course, given the background  
23 that historically vote purges have been used in  
24 the past as one method for suppressing minority  
25 voters, this should cause serious concern, and

1     there's no reason to believe that this isn't still  
2     happening today.

3             For example, in an NVRA case in Florida,  
4     the state attempted to purge purported noncitizens  
5     who it alleged were on the voter rolls. The 11th  
6     Circuit ultimately stuck down the law because the  
7     purges were occurring within the 90-day window  
8     prior to an election, which is prohibited by NVRA,  
9     but some of the findings in the case were  
10    striking. In that case, 82 percent of the voters  
11    purged in Florida were found to be nonwhite and 60  
12    percent were Hispanic, and given the country's  
13    history of suppressing minority voters, it is  
14    vital that we get this right.

15            The NVRA attempts to strike a balance  
16    between making voting more accessible and ensuring  
17    accurate voter rolls. Unfortunately, we believe  
18    Indiana has upset that balance by removing  
19    important procedural safeguards for ensuring that  
20    voters, whether they're doing so intentionally or  
21    not, are not disenfranchised.

22            I'll make a few remarks on voter ID's. As  
23    Mr. Groth mentioned, a 2005 Indiana law enacted  
24    what was then one of the most stringent voter  
25    identification laws in the country. The law was

1 upheld by the Supreme Court in Crawford versus  
2 Marion County on the grounds that the burdens it  
3 placed on voters was minimal in relation to the  
4 state's interest in preventing voter fraud.

5 Ten years later the law remains on the  
6 books, though evidence of voter fraud,  
7 particularly through impersonation at the polls,  
8 remains elusive. Of course, the concern with  
9 voter ID laws is that in the attempt to stamp out  
10 voter fraud, which hasn't been demonstrated, the  
11 laws will reduce voter turnout and disenfranchise  
12 people who do not have these ID's.

13 A 2006 Brennan Center study found that 11  
14 percent of American citizens did not have  
15 government issued ID's, and one example, the 2014  
16 Government Accountability Office analysis found  
17 that turnout in the 2008 and 2012 general  
18 elections suggested that implementation of voter  
19 ID laws in Kansas and Tennessee led to a 1.9  
20 percentage-point reduction in turnout in Kansas  
21 and a 2.2 percentage-point reduction in turnout in  
22 Tennessee. Obviously in close elections, this can  
23 have a huge impact.

24 What we've seen in Indiana is some evidence  
25 of a disparate impact on racial minorities.



1 A 2009 study found 84.2 percent of registered  
2 voters -- registered white voters had valid ID's,  
3 while 78.2 percent of African-Americans had a  
4 valid form of I.D. And one of the reasons the  
5 Supreme Court upheld Indiana's law in Crawford was  
6 the ability to cast a provisional ballot, which  
7 Mr. Groth also mentioned.

8 This has not proven to be an effective  
9 failsafe. One study showed that in 2012, only 680  
10 provisional ballots were cast due to an issue with  
11 the voters' ID's, and only ten percent of those  
12 ballots were ultimately counted, which, as  
13 mentioned, requires a voter actually going in the  
14 week after the election to confirm their I.D. So,  
15 we should still be concerned about the  
16 effectiveness of this law on suppressing the vote.

17 Voter ID laws have proliferated since  
18 Crawford, and so has the litigation. There have  
19 been cases in Texas, North Carolina, Wisconsin,  
20 North Dakota, and there's a case that's ongoing in  
21 Alabama. These cases have produced compelling  
22 data on the disparate impact of voter ID laws and  
23 their ability to suppress the vote. And although  
24 Indiana's law was upheld by the Supreme Court,  
25 with the benefit of time and hopefully better

1 research, we hope to get a clearer picture of the  
2 effects of the law in this state.

3 And thank you again for having me, and I'll  
4 pass this along to the other speakers.

5 MS. CLEMENTS-BOYD: Thank you,  
6 Attorney Mensz.

7 And now we will hear from Attorney Barbara  
8 Bolling. Welcome, and please proceed.

9 MS. BOLLING-WILLIAMS: Thank you,  
10 Madam Chair, and thank you to the entire  
11 Commission, Indiana Advisory Committee, on the  
12 U.S. Commission on Civil Rights. I am the State  
13 President for the NAACP, and as you know, NAACP is  
14 not -- can you hear me? -- is not a stranger to  
15 litigation when it comes to the rights of our  
16 members, which we have found when we are  
17 successful representing our members all of -- all  
18 over the United States to the citizens' benefit.

19 I want to kind of start talking about some  
20 of the issues that my colleagues, my panelists,  
21 have talked about are some of the things that we  
22 have been fighting for. We have fought in  
23 partnership and continue to fight in partnership  
24 with the clients of my fellow panelists. We're  
25 currently involved in litigation, you know, today,

1 as we speak.

2 I want to talk about, I guess, starting  
3 in 2005 just briefly on the matter of the photo  
4 ID, which we, again, we're in partnership with  
5 that. But just to put a human perspective on  
6 that, I represent -- I'm an attorney by  
7 profession, and a case that occurred -- two cases  
8 in Lake County, one where one of my clients did  
9 not have the -- he had been voting for years, he's  
10 probably in his '80's, but when it came time to  
11 vote, you know, to get the ID that was needed, he  
12 didn't have a birth certificate. He was born in  
13 the South by a midwife, and typically, older  
14 African-Americans, that's the way that -- you  
15 know, they were brought up, that their births  
16 occurred, and nobody issued a birth certificate  
17 for him.

18 So, the one thing that he was told that he  
19 could do was to look at the census records and  
20 find if he was in a household, listed in a  
21 household, that that could be evidence that he  
22 could be -- use to obtain a birth certificate.  
23 That led him to find out that it was interesting  
24 that all of the United States census records are  
25 contained in Jeffersonville, Indiana. I don't

1 know if any of you knew that. I certainly didn't  
2 know that until that time.

3 Then we had another case of a young lady, I  
4 think she was 102, and she had always voted using  
5 her husband's military ID. Well, now she needed  
6 her own ID, and, of course, she had no birth  
7 certificate and couldn't get it. And we were able  
8 to assist her by using the clerk of the court. He  
9 assisted her in being able to get a birth  
10 certificate. How many people are similarly  
11 situated but have the contact or share their  
12 information with someone who may have some context  
13 to be able to assist them on obtaining the  
14 necessary ID to be able to vote?

15 Moving up to 2008, we were involved in  
16 early voting sites in Lake County when the  
17 Republican members of the election board decided  
18 to withdraw their approval of early voting sites  
19 that took place in the cities of Gary, Hammond and  
20 East Chicago, which, if you're familiar with Lake  
21 County, those cities contain the largest number of  
22 people of color in the county and the second  
23 largest in the State of Indiana.

24 And what that was going to do was require,  
25 where Marion County is today, that there would

1     only be one place where all of the voters in Lake  
2     County could go for early voting, and that would  
3     be to our county seat, which is in Crown Point,  
4     which is approximately about 15, 20 miles from the  
5     northern part the county.

6             For another lawsuit, we had, one of our  
7     presidents decided to take a bus -- he was  
8     President of Hammond -- to take a bus from  
9     Hammond, or public transportation, to get to the  
10    county seat. It took -- it was an eight-hour  
11    trip. She had to take the bus from Hammond to  
12    Gary -- no, from Hammond to the South Shore, then  
13    the South Shore over to Gary, to then get on the  
14    Gary bus to then take her out to Crown Point.

15            And that was an all-day -- it was an  
16    eight-hour trip, and certainly it was an expense  
17    to her to have to do this. Imagine if you have  
18    children in tow, and a lot of times that's the  
19    people who have young children, if they're going  
20    to be home, that's what they're going to have to  
21    do. They don't have the resources to hire  
22    baby-sitters.

23            So, we were involved in that -- in that  
24    lawsuit, which we were very successful in keeping  
25    those early voting sites open in Gary, Hammond and

1 East Chicago, in addition to the one in Crown  
2 Point. And I can tell you the reason why we were  
3 successful is that we also have -- we're  
4 configured differently than the rest of the state  
5 in that we have clerk's offices in those three --  
6 courthouses and clerk's offices, which had allowed  
7 us to be able to do that.

8 And rolling the clock forward -- that was  
9 in 2008. We roll the clock forward to just this  
10 past year, in 2016 in Lake County, we had -- now  
11 we have 14 early voting sites, and let me tell you  
12 this when I say that we help benefit, you know,  
13 all of our citizens when we get involved in  
14 fighting for our members.

15 None of those new additional early voting  
16 sites, none of the 14, out of the original three,  
17 are in Gary, Hammond or East Chicago. That lets  
18 you know that they're in all of the other outlying  
19 areas of Lake County, which is still -- you know,  
20 we believe that everybody should have an  
21 opportunity to vote, which is why we're fighting  
22 for Marion County to also be able to have more  
23 than the one early voting site for 700,000 voters.

24 The current ones that we're involved with  
25 now -- you've already heard about the Crosscheck,

1 we're involved in that litigation, and you've  
2 heard about the litigation that's dealing with  
3 Marion County. We have two other litigations that  
4 NAACP is currently involved with here in the State  
5 of Indiana that's pending.

6 One I'll just state is pretty much over  
7 now. That was -- that dealt with the President  
8 Trump's executive order creating his Advisory  
9 Commission on Election Integrity. Also, as my  
10 colleagues mentioned, that there has yet to be  
11 found in the entire country evidence of voter  
12 fraud, in-person voter fraud. It doesn't exist.

13 Yet, you know, we continue to use that as  
14 the reason for the increased activity on  
15 infringing on a person's right to vote, you know,  
16 to say that we want to make sure that we don't  
17 have it. We didn't have it in the first place.  
18 You know, it's only just become a burden to  
19 society. So, that one, we've challenged the  
20 President's Commission requiring all secretary of  
21 states around the country to turn over sensitive  
22 voter data to that Commission.

23 Well, Indiana has very specific laws, one  
24 of the few that protects us, that says, you know,  
25 who can -- you know, who can actually receive that

1     voting data, and the President's Commission on  
2     Voter Integrity was not one of those people listed  
3     in our state statute. And so, we were very  
4     successful in that, along with other states,  
5     refusing to turn that information -- we have made  
6     our Secretary of State refuse to turn it over or  
7     to prohibit it. But other states who've refused  
8     to turn it over as well, and finally the President  
9     just kind of abandoned that commission. So, that  
10    was done.

11           So, the other one that remains now is the  
12    law that was passed in the last session that dealt  
13    with the Lake County Precinct Consolidation law,  
14    and what that says was that precincts with less  
15    than 600 active voters must consolidate with  
16    another precinct. And they cite the fact that  
17    that would be better for the County, it would save  
18    more money, and just overall, if you have less  
19    than 600 voters, you don't need to have all of  
20    those precinct sites, voting sites.

21           Well, the problem with that is that if it's  
22    such a great thing for Indiana, why is it not the  
23    law in the other 91 counties? Why is it only  
24    pertaining to Lake County? Well, we know why.  
25    It's because the law negatively impacts the cities



1 of Gary, Hammond and East Chicago, and we talked  
2 about the makeup, the racial makeup, of those  
3 three cities.

4 That would specifically -- well, those  
5 three cities also contain the largest portion  
6 of -- largest portion of precincts, and if you  
7 consolidate it there, it's going to significantly  
8 reduce the number of -- the voting strength in the  
9 cities of Gary, Hammond and East Chicago with  
10 respect to the rest of the County. So, we are  
11 challenging the Precinct Consolidation law, one,  
12 on an equal protection basis, and two, because,  
13 again, it's improperly targeted to minority voters  
14 in the determination to just suppress the vote.

15 And just as an aside, you know, we saw this  
16 proliferation of lawsuits after the Supreme Court  
17 decided to invalidate Section 4 of the Civil  
18 Rights Act of 1965, and that preclearance section  
19 that was invalidated or determined by the Supreme  
20 Court to be unconstitutional has now led to, you  
21 know, a lot of lawsuits, especially in the  
22 southern states.

23 The preclearance said that before a state  
24 could enact a law that may impact on the minority  
25 voters in their community, that they had to submit

1     it to the Justice Department for clearance to see  
2     if it passes muster. Well, by invalidating that  
3     section, now no longer do they have to preclear  
4     the law that they're going to enact, but they can  
5     go ahead on and enact it, and when it's determined  
6     that it is negatively impacting people of color,  
7     then now, yes, they still have a remedy that they  
8     can sue, but we know that lawsuits are costly and  
9     they're timely.

10           So, several election cycles will have  
11     passed before a determination was made to  
12     invalidate those laws. So, it's because of all of  
13     the activity around elections, with the improper  
14     purpose of suppressing the vote, that you're going  
15     to continue to have litigation, because we're not  
16     going to sit by idly and allow -- we won't go  
17     quietly into the night, so to speak.

18           And that's my response. Thank you.

19           MS. CLEMENTS-BOYD: Thank you so much,  
20     Attorney Bolling.

21           Okay. Now, I think we are ready for  
22     questions, and I'm sure that there will be many.

23           So, Patti?

24           MS. O'CALLAGHAN: Oh, sure. Wait five  
25     seconds until it turns green; all right.

1 (Laughter.)

2 MS. O'CALLAGHAN: So, thank you. This  
3 is -- I'm Patti O'Callaghan, and my question is  
4 for Attorney Groth, but I guess actually all of  
5 you could address it. Considering the disparate  
6 impact of the Indiana voter ID law on minorities  
7 and the poor, and also the fact that part of the  
8 decision by the Supreme Court was based on the  
9 fact that they didn't have somebody who actually  
10 had harm, and now we have more time going past and  
11 have had people who have had harm, who have not  
12 been able to vote because of not having a voter  
13 ID, what are the chances of being able to  
14 relitigate that decision?

15 MR. GROTH: Well, in the last decade,  
16 I've been waiting for somebody to call me or  
17 e-mail me and give me a story about how they tried  
18 but were unable to obtain a photo I.D. I actually  
19 had one person approach me who was not able to get  
20 an ID because at a very young age, his mother had  
21 put one name on the birth certificate and another  
22 name on his Social Security information. So, he  
23 had this mismatch. He tried and tried to get his  
24 ID and didn't succeed.

25 I ended up filing suit for him. I had to

1 litigate that case for two years. We finally  
2 succeeded, only after we forced the state to give  
3 him a hearing before withholding an ID from him.  
4 We ended up having to call his mother up from the  
5 State of Georgia to testify that "Yes, this in  
6 fact is my son, and this is what happened, this is  
7 why we have this name mismatch."

8 I thought there would be -- and that had a  
9 very good outcome, and the state ended up having  
10 to pay my attorneys fees. I thought there would  
11 be more people come forward, but I'm still  
12 waiting, and if the right case presents itself, I  
13 maybe need some reinforcements or some help from  
14 Jan and his organization, but I could envision  
15 possibly a class-action suit being filed, alleging  
16 that the statute does have a disparate impact.

17 Of course, that would also involve the  
18 necessity of hiring an expert to do a statistical  
19 analysis, because it's very complicated. I mean  
20 the first round of the challenge was -- you know,  
21 took almost four years from District Court filing  
22 to Supreme Court decision, and it becomes very  
23 expensive to litigate. We don't always have the  
24 resources we'd like to have and need, but we're  
25 certainly keeping an eye on that situation.

1                   MS. CLEMENTS-BOYD: Could I ask a  
2 follow-up question to Patti's question? How many  
3 aggrieved persons were identified in the Crawford  
4 case?

5                   MR. GROTH: Well, you know, we -- the  
6 mythology that's grown up around that case is that  
7 there were -- we didn't present any evidence from  
8 any individuals who were harmed by the law, which  
9 is simply not true. We had a number of  
10 affidavits.

11                  And basically I was representing the  
12 Indiana Democratic Party and the ACLU was  
13 representing Bill Crawford and the NAACP and  
14 others, and together we supplied a number of  
15 affidavits from people who had, for example, made  
16 repeated trips to the BMV to try to get an ID.  
17 Barbara mentioned they weren't able to because  
18 they didn't have birth certificates.

19                  But -- and we submitted an expert affidavit  
20 from a professor, a political science professor  
21 from IU, who said, "Look, this law is going to  
22 impose costs on people that they're not going to  
23 be able to afford and deal with."

24                  But all of that evidence has kind of gotten  
25 lost in the shuffle. I don't know why, but I

1 think part of it is we filed it as a  
2 pre-enforcement challenge, not -- you know, the  
3 law had not yet taken effect, and that put us kind  
4 of behind the eight ball to begin with.

5 But do you have any --

6 MR. MENSZ: Sure. Do you want to ask  
7 your question?

8 MS. CLEMENTS-BOYD: I think you can go  
9 ahead.

10 MS. DAVIS: Oh, I'm raising my hand  
11 for the Chair. I'm sorry. After you all.

12 MR. MENSZ: Yeah, I'll just make a few  
13 comments on that. Like I mentioned, there have  
14 been new voter ID law cases that have been  
15 successful, not necessarily on the same theory  
16 that Crawford was based on, which is an  
17 unconstitutional burden on right to vote, but on  
18 disparate impact under Section 2.

19 But, you know, I think you do need -- like  
20 Bill said, there was evidence. Obviously, if you  
21 have a law that's been in effect for ten years and  
22 you have good statistical evidence, that can even  
23 be more compelling, but, you know, I think the  
24 more and better research that develops over time,  
25 the better probability for a case.

1           I'll just note that it's difficult to  
2 show -- and this is more in the realm of a  
3 political scientist, but to show -- you know, you  
4 can show provisional ballots that are cast and,  
5 you know, try to present it as a proxy for how  
6 this law had affected voters.

7           But really, the big effect is on people who  
8 don't bother voting because they don't have the  
9 ID. They don't go to the polls in the first  
10 place, and that's difficult to measure. And, you  
11 know, the more Indiana specific the data, the more  
12 compelling it would be for a case.

13           MS. CLEMENTS-BOYD: Okay.

14           Tammi?

15           MS. DAVIS: Hi. I'm Tammi Davis, from  
16 Gary, Indiana by way of East Chicago, Lake County,  
17 where we have a whole lot of problems. So, I  
18 thank you all for coming down and giving your  
19 testimony.

20           I wanted to know if you all could speak to  
21 the new real I.D. That seems to be another form  
22 of suppression. I myself have gone to renew my  
23 driver's license, only to be told that I need to  
24 get a real ID -- that's two separate ID's -- but  
25 was told by the Indiana BMV that I needed the real

1 ID because it was going to be required in order to  
2 fly.

3 So, as we start talking about barriers and  
4 the voter ID law, and I was very happy that I  
5 worked with Barbara in 2005 and in 2008 to deal  
6 with our issues, but can you speak to any thoughts  
7 or experience you have relative to the new  
8 requirements, because it's going to be required  
9 for everyone to have this real ID, and any impact  
10 that may have on the requirement to have, you  
11 know, this government issued ID in order to vote.

12 Because with the real ID, you have to have  
13 a passport and you have to have a birth  
14 certificate, whereas with your driver's license,  
15 you have one or the other. So, can you all speak  
16 to that and any early signs of challenges that  
17 that may pose for voters?

18 MS. BOLLING-WILLIAMS: I just wanted  
19 to say with respect to that, we know that with any  
20 new requirement you're talking dollars, you're  
21 talking that it's going to be costly. That was  
22 one of the challenges with the voter ID bill, that  
23 it was put in the bill that, you know, if a  
24 person, you know, needed an ID, that there would  
25 not be a charge for it.



1           I don't believe that that's going to --  
2   well, it can't be the same case with respect to  
3   this real ID if you've got to have a passport,  
4   because now you're dealing with the Federal  
5   Government, and you can't tell the Federal  
6   Government that they don't have to collect their  
7   fees, because, you know, you've got to be able to  
8   provide a government-issued ID so that the people  
9   can vote, so that the people in Indiana can vote.

10           So, you're talking, in essence, another  
11   poll tax. That's really what it is. If you don't  
12   have the resources to be able to pay the fees that  
13   are required, then you're just left out of the  
14   process with no recourse.

15           MR. GROTH: I mean I guess I would  
16   just add that the real ID law is going to impose  
17   additional burdens on folks who want to get a  
18   driver's license, and particularly for -- I think  
19   for females who, you know, got married and have a  
20   different name on their birth certificate and on  
21   other papers.

22           You know, my wife and I were looking the  
23   other day for our marriage certificate, and we  
24   can't find it, and that's going to present a  
25   problem for her, and we'll have to order it from

1 the courthouse where we got married, you know, out  
2 of state.

3 So, again, it's part of the -- increasing  
4 the costs of voting, which is going to exclude a  
5 number of people who just can't afford to meet  
6 those costs, and it's -- it's very troublesome.

7 MR. PALOMO: Good morning, everyone.  
8 This is Ernesto Palomo. I have another question  
9 for Mr. Groth. You had talked about the federal  
10 lawsuit that you're involved in right now, and you  
11 said that the arguments about the satellite sites  
12 have been fully briefed. And a couple of  
13 questions. One, what's the name of the case? And  
14 two, what are the arguments being raised in  
15 opposition to your efforts to open up more  
16 satellite sites?

17 MR. GROTH: Uh-huh. Thank you. Well,  
18 my clients in that case are Barbara's  
19 organization, the State, Indiana -- Indiana State  
20 NAACP, as well as the Indianapolis Chapter, and  
21 Common Cause Indiana. I believe Julia Vaughn will  
22 be a part of the next panel. So, those are my  
23 clients. We sued the Marion County Election  
24 Board, because they're the entity which makes the  
25 decision whether or not to open satellite sites.

1           Interestingly, although the law requires  
2           unanimity to approve satellite sites, there are  
3           three members on the Board, and two are Democrats  
4           who are very supportive of opening satellite  
5           sites. So, we aren't really getting a lot of  
6           opposition from the defendant in that case. They  
7           are very much supportive of our objectives.

8           We have do have an opponent, however, and  
9           that opponent is the Indiana Attorney General, who  
10          has twice attempted to intervene in the case, and  
11          we point out that "Look, we're not challenging the  
12          constitutionality of the law on its face or as  
13          applied anywhere else in Indiana," because  
14          everywhere else in Indiana it seems to be working  
15          fine, except Marion County. So, Judge Barker,  
16          who's the presiding Judge, denied them full  
17          intervenor status, but she did allow them to file  
18          a Friend of the Court, which they did.

19          So, we'll see what happens. It is fully  
20          briefed, and our goal is to -- and I think Judge  
21          Barker has indicated she wants to issue an early  
22          ruling, so there will be time to -- if she finds  
23          in our favor -- to order the opening of a couple  
24          of sites before the primary, and then we're hoping  
25          for more obviously in the fall.

1                   MR. MCGILL: Thank you, Madam Chair.

2                   I want to get your name right, because I've  
3 heard it multiple times. Is it Groth, or Groth?

4                   MR. GROTH: Groth, yeah, G r o t h.

5                   MR. MCGILL: Just a question about  
6 this calculus of voting which you referred to, but  
7 you said North Dakota has no registration at all?  
8 And if in fact that's true, then how is it timely  
9 validated for participation? I mean what happens?

10                  MR. GROTH: Well, I don't know. I've  
11 never lived in North Dakota.

12                  MR. MCGILL: Oh, well, you -- yeah,  
13 you mentioned North Dakota.

14                  MR. GROTH: Yeah, but that's right.  
15 I'm told -- from what I have read --

16                  MR. MCGILL: Oh, okay.

17                  MR. GROTH: -- they don't have any  
18 voter registration. I guess you just show up and  
19 sign your name and you take a ballot.

20                  MR. MCGILL: Okay.

21                  MR. GROTH: Of course, it's such a  
22 lightly populated state that everybody probably  
23 knows everybody, too. So, I'm not suggesting  
24 necessarily that we do away with --

25                  MR. MCGILL: Oh, I was just wondering

1     how, that's all, if in fact -- and how it worked.

2             Mr. Mensz, you referred to eight percent of  
3     the population removed from voting polls in  
4     various purging processes.

5             MR. MENSZ:   The number would be, yeah,  
6     the number of voter registration records that have  
7     been removed was -- during 2014 and '16 -- would  
8     represent 8.8 percent of all eligible voters.

9             MR. MCGILL:   But when we're talking  
10    about expanding opportunity, we're really  
11    restricting it.

12            MR. MENSZ:   Right, exactly.   And, you  
13    know, I'll add the caveat I'm sure some of those  
14    are --

15            MR. MCGILL:   Certainly.

16            MR. MENSZ:   -- you know, you had  
17    Mr. Trump's son and daughter, who were double  
18    registered, and it is -- it certainly does happen  
19    if someone moves to another state and they don't  
20    cancel their previous registration.   And I think  
21    the NVRA acknowledges that, and there have been  
22    the efforts to minimize those numbers of double  
23    registrations.   It's legitimate, but that's why  
24    the NVRA has these important protections in place.  
25    So, that -- that's not erroneous.

1                   MR. MCGILL: And then lastly, Madam  
2 Chair, for the Attorney slash President  
3 Bolling-Williams.

4                   So, it's our contention, then, that  
5 consolidation is really only a mask for  
6 discrimination, in essence?

7                   MS. BOLLING-WILLIAMS: That's all it  
8 is, yeah.

9                   MR. MCGILL: Thank you.

10                  MR. DOUGLAS: Before I ask my  
11 question, could you repeat that calculus of voting  
12 equation, please?

13                  MR. GROTH: I'm not a political --

14                  MR. DOUGLAS: This is Chris Douglas.

15                  MR. GROTH: I'm not a political  
16 scientist, but did I get it right, or close to  
17 right?

18                  MR. DION: Well done.

19                  MR. GROTH: Okay.

20                  So, the calculus of voting holds that a  
21 person will make the effort to vote if the  
22 probability of one's vote determining the outcome  
23 multiplied by the net psychological benefit of  
24 seeing one's preferred candidate win is greater  
25 than the costs associated with voting. And I'll

1 leave any further explication to Professor Dion.

2 MR. DOUGLAS: Then my question is: I  
3 think we've heard a lot of very compelling  
4 testimony to the impediments to voting as a result  
5 of law and regulation that has been established,  
6 whether nationally or in the State of Indiana. We  
7 had a -- and in some way, if I -- this is a  
8 completely different track, understanding that,  
9 but there's another question, and that is: Why do  
10 people vote?

11 And we had an academic from the University  
12 of South Bend, Professor Bennion. I asked an open  
13 question about why we have these low rates of  
14 voting here in Indiana. What -- what should the  
15 Committee look into that would have equal  
16 protection ramifications?

17 And her response was low voting is that  
18 Indiana has a problem -- that the first thing that  
19 she would look to -- and this may just relate to  
20 the field of academics that she holds -- that it  
21 correlates to Indiana's poor educational levels,  
22 and that high education is associated with voting.

23 And my observation is, is that this  
24 probabil -- this calculus is interesting to me,  
25 because I think that -- and what she was

1 specifically referencing was civic education, and  
2 we're going to have the Secretary of Education --  
3 oh, the Secretary of Education is not coming.  
4 Well, we've established that there are no uniform  
5 civic education requirements in the State of  
6 Indiana.

7           And my observation is that all of these  
8 impediments on the one hand are set up to minority  
9 communities voting. What gets the white community  
10 or we'll say the majority community voting  
11 proactively? And I don't think it's in that  
12 calculus.

13           I think that -- when I was in my public  
14 education, we had a civics class, "This is how the  
15 electoral system works." You maybe participated  
16 in student government or what have you, and we  
17 were marched down in high school to actually vote  
18 on the actual voting machines that we were going  
19 to be using. And this is -- you know, this was an  
20 affluent suburb, this was Washington Township, and  
21 really, the message was, "You vote because you're  
22 a good citizen."

23           And so, if we're -- is there an equal  
24 protection issue if we don't have that kind of  
25 uniform civics provided across that is -- first of



1 all, we want to remove impediments that are  
2 unfair. But is that enough if citizens aren't  
3 being inculcated with -- educated in and  
4 inculcated with participation, how to participate  
5 and why to participate?

6 And I don't see it in this calculus. It's  
7 not -- you know, I live in a gerrymandered  
8 district, for Heaven's sakes. I mean I think so  
9 many of us do. I suspect everybody in this room  
10 lives in a gerrymandered district, but we all  
11 vote. So, I think the gerrymandering is a  
12 problem.

13 But the -- for instance, but proactively,  
14 what is causing other communities to vote is not  
15 just a lack of impediment, and that lack of  
16 impediment is important, but is there the civic  
17 education taking place that is giving them an  
18 advantage, giving those communities an advantage  
19 in getting the vote out? And if -- and is there  
20 an equal protection issue if you're not providing  
21 that civic education uniformly to all communities?  
22 I guess you provided the calculus. I guess that  
23 might be a question for the ACLU. I don't know.

24 MR. GROTH: Well, yeah.

25 Jan, do you want to take a stab at it?

1                   MR. MENSZ: I mean from a strictly  
2 legal point, I think that would be a difficult  
3 case to make, because equal protection is a  
4 difficult way to go about connecting all of those  
5 dots.

6                   But I would say yeah, voters are motivated  
7 by many different things, I think. I've seen  
8 voters who are motivated as a protest vote. You  
9 know, you might live in a district where you might  
10 feel like your vote has no impact, but you are  
11 particularly outspoken, and that's part of -- part  
12 of why you vote.

13                  I think, you know, in the Texas case  
14 challenging the voter ID law, there was testimony  
15 from people in the African-American community who  
16 view voting in person as really the celebration of  
17 a long, hard-fought effort to gain the right to  
18 vote. So, different communities have different  
19 motivations.

20                  And yes, it does come down to civics to  
21 some extent. I don't think it has to be taught in  
22 school. Obviously, looking at your parents voting  
23 and their experiences, life experiences in general  
24 can motivate voting. So, I think that there's no  
25 reason why we shouldn't advocate for a civic

1 education. I think it's a worthy cause.

2 But we do know that these impediments that  
3 we've all discussed today have real consequences,  
4 and, you know, regardless of how much you think  
5 your vote is -- one vote is going to swing an  
6 election, the greater the impediments to voting,  
7 and that's just going to erode your ability to get  
8 motivation to vote.

9 MR. GROTH: Well, you know, I grew up  
10 in a small town in Indiana, and -- in the 1950's  
11 and '60's -- and we had terrific civic education.  
12 It was drilled into our heads, "We do this because  
13 this is a duty of citizenship." And I grew -- and  
14 it was a very Republican, conservative town. My  
15 parents were very conservative. But I got in that  
16 habit.

17 But now so many young people are not  
18 getting in that habit. They're -- they think it's  
19 all ridiculous, and I have to have that argument  
20 oftentimes with people who are fellow  
21 progressives, "Well, my vote doesn't matter. You  
22 know, why should I bother?"

23 And, you know, frankly, there really isn't  
24 any good argument for voting except that it's a  
25 duty of citizenship, because as I remember Judge

1 Posner, in the Seventh Circuit decision affirm --  
2 upholding the voter ID law, said, "Voting doesn't  
3 make any sense if you look at it logically." I  
4 mean your vote -- what are the chances your vote's  
5 going to make a difference? What are the chances?  
6 Infinitesimal. So, why does anybody even bother?

7 Well, what I found is -- and we used to  
8 have a Democratic Party Chairman here in this  
9 county who would always preach to us before  
10 elections, saying, "You've got to get the vote  
11 out, because the Republicans are going to go and  
12 vote because their wallet's on the line every  
13 election," because they don't want to be -- they  
14 don't want to have their taxes increase. So,  
15 you've got that dynamic, too.

16 But gosh, I wish civics education was given  
17 greater emphasis. You know, we're doing away with  
18 it, it seems, just like we're doing away with arts  
19 and culture, and it's -- you have to worry about  
20 the future of the country when you see that sort  
21 of thing going on.

22 MS. CLEMENTS-BOYD: Now -- I'm sorry.

23 MS. BOLLING-WILLIAMS: I just have to  
24 weigh in on this. Yeah, it's a good question to  
25 ponder. Certainly we had civics in school when I

1 was growing up in Lake County, and -- but that's  
2 only one part. It was mentioned earlier that -- I  
3 think by Jan -- that other factors also motivate  
4 your desire to vote.

5 I think it's kind of like -- I tell people  
6 that it wasn't until I, you know, graduated from  
7 high school that I realized, you know, why you had  
8 to make good grades, you know, because that's what  
9 your parents say. You know, being just -- at that  
10 time, you know, our generation was you did what  
11 your parents told you to do. You didn't question  
12 it, you know, whether you had a reason for doing  
13 it or not.

14 And I think that that's how we started out  
15 with respect to voting is because they tell you  
16 that you should. But as you get older, at least  
17 if you get started in the habit of it, then you  
18 come to the realization yourself as to why voting  
19 is important.

20 And I disagree that it really makes no  
21 difference. I think that it makes all of the  
22 difference in the world. It exactly -- it truly  
23 is the one equalizer. It's one person, one vote,  
24 and you've got to make sure -- at least my  
25 responsibility is to make sure that the children

1     that I encounter, that I come -- that I, you know,  
2     run into, that they understand that.

3             And that's what I tell people is that money  
4     may be important for a politician, but money can't  
5     vote. Only a person can vote. Money will help  
6     you get your message out there, but there are  
7     other ways to get your message, too, and you can  
8     go door to door, you know, and share your methods.  
9     There's a lot of people out there going to door to  
10    door. But it is really the great equalizer. It  
11    is one person, one vote, and I think that when we  
12    give that up or if we downplay it, you know, if we  
13    neglig -- make it, you know, negligible, then why  
14    are we here?

15            So, maybe I'm a Pollyanna. I don't know.  
16    But I truly believe that that's the reason why  
17    it's important that we vote. And for all of the  
18    people who say, "Well, it doesn't really matter,"  
19    then I want you to stay home, because I'm more  
20    interested in the people who it does matter to and  
21    are going to get out and to the polls and actually  
22    cast their vote.

23            MS. CLEMENTS-BOYD: Thank you. We  
24    have one more question, as we are approaching the  
25    next one.

1           Go ahead.

2                   MS. DAVIS: You have to wait a few  
3 minutes. Tammi Davis again. You know, listening  
4 to my fellow Committee person, one thing that  
5 popped in my head was -- and I know how  
6 impassioned he is about civic education -- was --  
7 which I have not heard discussed, was white  
8 privilege and politics, about how one majority  
9 race feels more entitled and emboldened to the  
10 process in determining the fate of elections than  
11 they do for those that are disenfranchised.

12               But since we are before the legal panel, if  
13 each of you could just real briefly talk about how  
14 can we proactively and progressively, right, get  
15 more people involved in the voting process and  
16 assist them in not becoming a prey to apathy,  
17 because there are so many legal challenges, people  
18 don't come forward because they don't want to be  
19 scrutinized.

20               Nobody's perfect, so I would suggest that  
21 that's another of the reasons why people haven't  
22 called you, burning up your phone, Mr. Groth,  
23 because they're saying, "Wait a minute. I've got  
24 stuff in my background and I don't want you to  
25 investigate me to the nth degree."

1           So, in respect of those individuals who  
2 will not come forward, how can we be proactively  
3 and progressively to meet the challenges that we  
4 know are before us, particularly from a legal  
5 perspective or a community advocacy perspective?

6           MR. MENSZ: You know, as you -- as we  
7 discussed a lot of the cases that we're involved  
8 in today, we bring a lot of lawsuits on behalf of  
9 organizations that advocate for people who feel  
10 maybe disenfranchised or that they can't deal with  
11 themselves, like the NAACP and the Common Cause  
12 and League of Women Voters. So, from a strictly  
13 little perspective, we're capable of bringing  
14 lawsuits on behalf of real people, without them  
15 being subject to the kind of scrutiny that you  
16 mentioned.

17           That said, it is always important and  
18 compelling to have real stories behind these cases  
19 and not just an organization, and that's why we do  
20 collect affidavits, we do -- we research, we  
21 need -- we do need some level of a human face to  
22 these cases to make a compelling case for a judge.

23           So, you know, there's certainly -- there  
24 is -- the lawyers are focused on making the best  
25 legal argument. A lot of the other groups that



1   you're going to hear from today are involved with  
2   collecting those stories and making sure people's  
3   voices are heard.

4                   MR. GROTH:   And I think that this just  
5   emphasizes the importance of organizations like  
6   the NAACP and the League of Women Voters and  
7   Common Cause, labor organizations, churches, that  
8   emphasize the common goal, the common good, not  
9   just, "what can I do for myself?"   Voting should  
10   be looked at not just -- you're not just voting  
11   for your own self-interest, you're voting for what  
12   is in the common good, and unfortunately, that  
13   sort of thinking seems to be on the decline.   I  
14   hope it -- I hope we turn it around, but -- before  
15   it's too late.

16                  MS. BOLLING-WILLIAMS:   And from a  
17   legal perspective, it's important that we have  
18   laws that take into account people.   Without the  
19   Voting Rights Act that was passed, without the  
20   Civil Rights Act, without the National Voting  
21   Rights Act, then we would not have a basis about  
22   the Constitution.   We wouldn't have a basis for  
23   bringing the challenges when people who may not  
24   have immediate access to some privileges, as Tammi  
25   says, that others may have, that those laws are

1     there to say, you know, "You can go so far, but  
2     only so far, and we're going to put you back. You  
3     know, we'll put -- we'll bring you back in check,  
4     you know, to make sure that you don't go too far."

5             And I'll leave it at that, because I was  
6     going to talk about the Affordable Care Act, but  
7     I'll leave that for another day.

8             MS. CLEMENTS-BOYD: Thank you very  
9     much, panel. All of your information has been  
10    very helpful, I think, to this Committee in  
11    helping us to understand this issue specifically,  
12    as it relates to voting and the issues that we  
13    face in Indiana. So, thank you so much.

14                     (Applause.)

15                     (Recess taken.)

16             MS. CLEMENTS-BOYD: Thank you all for  
17    being here today. I think most of you were  
18    probably here in the beginning of the hearing. As  
19    you may know by this point, that we are here today  
20    to hear testimony on impediments to voting rights  
21    in Indiana, and the panel that is currently before  
22    us are a number of advocacy organizations in the  
23    State of Indiana, and we're so pleased that you  
24    could be here to share insight into any possible  
25    defamations or impediments to voters in the State

1 of Indiana.

2 So, I will introduce the panel. We have  
3 with us Dawn Adams, Executive Director of Indiana  
4 Disability Rights; Patsy Hoyer, Co-President of  
5 the League of Women Voters of Indiana; and Julia  
6 Vaughn, Policy Director of Common Cause Indiana;  
7 and Steven Monroe [sic], Legislative Staff  
8 Attorney, Mexican American Legal Defense  
9 Educational Fund, MALDEF. Now, I hope that I've  
10 pronounced your names correctly. I failed  
11 horribly in the last session.

12 So, thank you all for being here, and I  
13 think we're ready to hear from Ms. Adams.

14 MS. ADAMS: Thank you. I'd like to  
15 thank the Committee for the opportunity today to  
16 speak on this very important topic.

17 Indiana Disability Rights serves as a state  
18 protection and advocacy organization. It is our  
19 mission to protect and promote the rights of  
20 individuals with disability through empowerment  
21 and advocacy. Under the authority provided to the  
22 organization under the federal grant Protection  
23 and Advocacy for Voting Access, we are charged to  
24 ensure full participation in the electoral process  
25 for individuals with disabilities.

1           Some of the services we provide include  
2 seeking assistance with registering to vote,  
3 casting a vote, and accessing a polling place. We  
4 know from the available data that people with  
5 disabilities compose the largest minority  
6 population in the country. According to a report  
7 published by Rutgers University, 17.1 percent of  
8 eligible voters in Indiana have a disability.

9           Unfortunately, people with disabilities  
10 also experience a variety of problems in voting  
11 that are unique to the population and are  
12 sometimes specific to particular disabilities,  
13 leaving voters frustrated and disenfranchised,  
14 ultimately resulting in a decrease in voter  
15 turnout. In fact, the data reveals that in  
16 Indiana, the voter turnout for people with  
17 disabilities who were registered to vote was 10.3  
18 percent lower than people without disabilities in  
19 the 2016 election.

20           Through our work in this area, we have  
21 identified that the most egregious of issues that  
22 impact voters with disabilities generally fall  
23 into two categories: Barriers with casting a vote  
24 at polling locations, and factors associated with  
25 guardianship. These two areas in particular

1 disproportionately impact voters with disabilities  
2 and compound the problems many voters face due to  
3 the aggravating factor of the intersectionality of  
4 race and ethnicity and disability.

5 First, I'd like to examine some of the  
6 common barriers voters with disabilities  
7 experience when attempting to cast their vote at a  
8 polling location on election day. The Help  
9 America Vote Act of 2002 requires at least one  
10 accessible voting machine be placed in each  
11 polling place, in addition to making the facility  
12 physically accessible.

13 The U.S. Government Accountability Office,  
14 or GAO, examined a sample of 178 polling places  
15 during the 2016 general election cycle and found  
16 that 60 percent of those polling places had one or  
17 more potential impediments to voting, and roughly  
18 89 had an accessible voting system that could  
19 impede the casting of a private and independent  
20 vote.

21 For example, some voting stations were not  
22 set up to accommodate people using wheelchairs,  
23 which might have required someone else to help  
24 them vote. The most common barriers were steep  
25 ramps, lack of signs indicating accessible

1 pathways, and poor parking for CAP services.

2 While data for Indiana in particular is not  
3 available, our experience tells us that the  
4 problem is similar here as well.

5 In 2016, Indiana Disability Rights launched  
6 a toll-free election hotline to assist voters with  
7 disabilities in casting their ballots on election  
8 day. During the 2016 general election, the  
9 organization was contacted by 56 individuals with  
10 disabilities reporting barriers to voting. This  
11 includes early voting and voters casting ballots  
12 on election day. Given that this was the first  
13 year for the hotline, we believe these numbers  
14 represent only a small number of people who  
15 experience barriers when attempting to vote, and  
16 that the problem is much larger.

17 Among the reported issues in 2016, during  
18 the primary elections, we were notified of a  
19 polling center in Vanderburgh County informing  
20 people with disabilities to vote somewhere else  
21 because the elevator in the polling center had not  
22 been repaired. When we conducted further research  
23 and heard from other voters that had been  
24 negatively impacted by the inaccessible polling  
25 center, we learned that this location had not been

1 accessible in previous election cycles.

2       Additionally, one of the recommended  
3 alternative polling centers was also not  
4 accessible to all voters. We participated in a  
5 complete audit of all polling centers in the  
6 county, ensuring all locations were accessible  
7 during the 2016 general election. Based on the  
8 audit findings, the Vanderburgh County Clerk chose  
9 to change some of those polling centers to new  
10 ADA-compliant locations.

11       Other barriers that directly impact people  
12 with disabilities and their right to vote  
13 privately and independently stand inside the polls  
14 themselves. Each polling location is required to  
15 have an ADA-accessible machine available to  
16 voters.

17       Some of the reported issues included: The  
18 voting machine was not in a private location, but  
19 rather, it was placed in a location where other  
20 voters could see the person's ballot; the  
21 accessible voting machine was not plugged in or  
22 charged; the poll workers were not trained on how  
23 to even use the accessible voting machine.

24       The challenge with these situations is that  
25 the person being punished is the voter. If a

1 location is inaccessible or a voting machine is  
2 not functioning properly, the standard solution is  
3 to provide a provisional ballot to the voter.  
4 These provisional ballots are not accessible, and  
5 often the voter will require assistance in  
6 completing the ballot, again negating the voter's  
7 right to vote independently and privately.

8 Now that we have discussed the barriers of  
9 the polling site, I'd like to turn our attention  
10 to the impact of guardianship on an individual's  
11 right to vote. In Indiana, a person does not lose  
12 the right to vote merely because he or she is  
13 under guardianship, but through our advocacy work  
14 and conversations with individuals with  
15 disabilities, we have identified a connection  
16 between guardianship and a person with access to  
17 voter registration in casting a ballot.

18 We have heard personal stories of guardians  
19 refusing to assist their wards in registering,  
20 refusing to assist with transportation to a  
21 polling location, and even making a person pass a  
22 litmus test to show that they know who they are  
23 voting for, and why, before allowing them to  
24 exercise their right to vote.

25 In Indiana, there is limited data available



1     regarding voters with disabilities, but there is  
2     enough for us to hypothesize about the correlation  
3     between guardianship and voting. In order to test  
4     this theory, we need more data so we can identify  
5     the root causes and work strategically to find  
6     solutions.

7             Now that I've talked about the barriers of  
8     polling sites and the issues with guardianship, I  
9     would like to discuss ways we can move forward.  
10    We concur with the GAO's recommendation that the  
11    Department of Justice study the implementation of  
12    federal accessibility requirements in the context  
13    of early in-person voting, and make changes as  
14    necessary to existing guidance. We also encourage  
15    the collection of state-specific data on overall  
16    accessibility of polls.

17            The bottom line is that despite there being  
18    clear requirements that polling locations be  
19    accessible to people with disabilities, barriers  
20    still exist that frustrate and prevent voters  
21    participating.

22            We would like to see improved training for  
23    poll workers to address some of the barriers at  
24    the polling locations; require counties to have a  
25    thorough and effective polling site audit process

1 to ensure all polling sites are ADA compliant;  
2 data collection that examines the connection  
3 between being under guardianship and a person's  
4 access to voting; and we would encourage the  
5 Secretary of State's Office to provide guidance to  
6 guardians on the voting rights of their wards.

7 We believe that examining the  
8 intersectionality of disability and race and  
9 ethnicity would be another important area to  
10 explore. And most importantly, we advocate  
11 strongly for speaking directly to those  
12 individuals with disabilities who have experienced  
13 challenges with exercising their right to vote, as  
14 well as talking to those voters with disabilities  
15 that may not have experienced problems, in order  
16 to help identify where resources should be placed  
17 to increase access, and thereby increase voter  
18 turnout.

19 Thank you.

20 MS. CLEMENTS-BOYD: Thank you,  
21 Ms. Adams.

22 We are now ready to hear from Ms. Hoyer.  
23 Ms. Hoyer, when you're ready, please proceed.

24 MS. HOYER: Hello, everybody. I am  
25 Co-President of the League, as noted, but I would

1     also like to introduce Oscar Anderson, who is my  
2     Co-President of the League of Women Voters, who is  
3     here to participate as well, though I'm doing the  
4     talking.

5             First, I want to give you some context.  
6     The League is one of the oldest nonpartisan  
7     organizations in the United States. It was  
8     organized by the suffragettes because women did  
9     not know how to register to vote and they didn't  
10    know who to vote for. They were loathe also to  
11    vote for whomever their husbands, brothers or  
12    fathers suggested. They wanted to know the  
13    issues.

14            So, we took -- undertook large registration  
15    efforts of women and began the very first forums,  
16    and politicians realized that suddenly there was  
17    going to be a new force, and had interviews in  
18    newspapers. So, at that point, then, that  
19    proceeded as the mission of the League. Now,  
20    women and men members of the League continue to  
21    register voters and work to encourage active  
22    participation in government.

23            In Indiana, we have 22 Leagues, and three  
24    more that are forming in other counties. The  
25    league also works to increase public understanding

1 of major public policy issues, and influence  
2 public policy through advocacy for carefully  
3 studied, fact-founded positions on which consensus  
4 is developed by members. The League began this  
5 very early in the '20's, advocating for services  
6 for destitute women and children. Since then it  
7 has supported many issues: The formation of the  
8 United Nations, fair housing and education, clean  
9 air and water, and campaigned vigorously for the  
10 Voting Rights Act.

11 We agree with previous speakers; voting is  
12 one of our most precious rights in America, and it  
13 must be guaranteed for all eligible citizens. It  
14 is when citizens are truly equal. The League  
15 positions reflect this, and the League works to  
16 ensure that voting opportunities for eligible  
17 citizens for all elections are accessible,  
18 convenient and meaningful.

19 In gathering information from our members  
20 and Leagues around the state about voting, there  
21 have been concerns expressed. We've heard stories  
22 earlier about the burden that ID requirements  
23 place on some voters to obtain photo ID's because  
24 they are elderly and documentation is not readily  
25 available, or because they've had to move

1 frequently for various problems and issues in  
2 their lives.

3 Interestingly, there have been no concerns  
4 expressed about the integrity of our elections due  
5 to fraudulent voting. Common themes in our  
6 questions have included support for later voting  
7 day hours, same-day registration. Meaningful --  
8 maintaining voter rolls following the Federal  
9 Voting Rights Act is supported by the League.

10 However, we are against bad purging. The  
11 league has filed an injunction lawsuit with the  
12 NAACP against our Secretary of State to prevent  
13 purging without notification and using the Kansas  
14 Crosscheck. We've heard about that. That is  
15 still pending. We haven't canceled that. The  
16 attorneys are discussing.

17 MS. CLEMENTS-BOYD: Excuse me. I gave  
18 you the wrong time. I said you had three minutes.  
19 I was referencing the old time from the previous  
20 speaker. I'm so sorry about that.

21 MS. HOYER: Can I take a breath, then?

22 (Laughter.)

23 MS. HOYER: I was like oh, my  
24 goodness.

25 MS. CLEMENTS-BOYD: You have more than

1     ten minutes left.

2                   MS. HOYER:  Oh, all right.  Thank you  
3     very much.  I do think I've hit the highlights.

4                   We have supported later voting day hours,  
5     same-day registration, amending the law to allow  
6     no-fault absentee ballots, which was just defeated  
7     in our legislature.  Other Leagues have expressed  
8     interest in the convenience and possible cost  
9     savings of mail-in voting.  So, we are very  
10    concerned about the issues of purging and how  
11    maintaining the rolls are done, and we are  
12    absolutely advocating following the Voting Rights  
13    Act and not shortening that or abridging the  
14    process.

15                  Even with the Electoral College, in most  
16    elections, the vote is direct.  Democracy requires  
17    citizen participation, and if citizens are wrongly  
18    disenfranchised, the process becomes -- and  
19    outcomes are sullied, even if the outcome is what  
20    the League would like.  And that has been pretty  
21    much well covered by Jan Mensz -- or Jan Mensz.

22                  League members often poll watch during  
23    elections and primaries to identify issues with  
24    handicapped individuals and other circumstances,  
25    and we may take immediate action at that time.

1 That's just one of the roles that the League is  
2 allowed, and we may work broadly and proactively  
3 with election boards and county clerks, and some  
4 places are much more amenable to changing and  
5 looking at their processes than others.

6 The League stresses and uses the tag line,  
7 "Your vote counts," and wants voting to be  
8 meaningful. Grassroot Leagues across the state  
9 have supported restricting in Indiana, most  
10 preferably with a citizen commission drawing the  
11 lines, and I know that Julia's going to talk about  
12 that more in depth. We are in partnership with  
13 Common Cause in redistricting efforts.

14 The travesty that occurred when Milo Smith  
15 would not allow the Senate Bill 326 to be heard in  
16 the House Elections Committee after numerous  
17 requests by citizens is a perfect example of  
18 cavalier disregard for the citizens' wishes. The  
19 League would have liked the bill to be heard, sent  
20 to the floor, and passed, but it was not heard at  
21 all.

22 And that Speaker Bosma, who is actually my  
23 representative, said at the last minute that they  
24 wanted to hear what the Supreme Court of the  
25 United States decided, and thus would do nothing,

1 is really a terrible disregard for the process  
2 here in Indiana, especially after Rep. Smith  
3 allowed it to be discussed in committee last year  
4 and never called for a vote. Had it been sent to  
5 the floor and voted down, at least it would have  
6 had discussion.

7           On February 17th -- a slightly different  
8 thought here -- the League of Women Voters of  
9 Indiana celebrated League President's Day, as it  
10 was formed on Valentine's Day in 1920, with a  
11 conference, inviting several groups to join us in  
12 discussion of getting out the vote beyond  
13 registering voters. With us was an attorney who  
14 works with people with disabilities, the NAACP,  
15 Black Expo. Jennifer had the flu and couldn't  
16 make it, but we also invited Farm Bureau. We  
17 wanted a wide range of opinions on what to do.

18           It was made clear that there were groups  
19 whose members feel despair about government  
20 functioning, believe it to be unjust, and that  
21 nothing will ever really change; thus voting is  
22 worthless. This is supported by a fair amount of  
23 academic research, and this issue with the  
24 Elections Committee not even hearing the bill or  
25 discussing it is viewed by a number of people as a



1 perfect example of "Nothing will ever change and  
2 they're not listening to us."

3 We all understand that the chairmen, the  
4 committee chairs, do have the right to kill bad  
5 bills. Now, what's a bad bill? It depends. Some  
6 of them are very clear and obvious, like when  
7 the -- several years ago, a House Representative  
8 wanted to -- well, whatever -- the Girl Scouts.  
9 They were saying that the Girl Scouts were wrong  
10 and evil. Well, nobody was interested in pursuing  
11 that, and that went away very quickly. Everyone  
12 in the legislature, both houses, and the public,  
13 thought that was ridiculous, and that was  
14 appropriate to die in committee.

15 A bill that is brought by a large number,  
16 passed in the Senate, supported by a large number  
17 of citizens, and then not heard, it is very  
18 difficult then to make people think that they are  
19 going to be heard, particularly since it was about  
20 redistricting.

21 The concern that minority groups and other  
22 groups do not believe that they are heard or that  
23 it is worth voting is supported by academic  
24 research, and a just-released update to the  
25 Brennan report from the '60's reiterates that

1    there are serious divides in the United States by  
2    race and income, and that this is a threat to our  
3    democracy.

4            So these incremental changes are effective  
5    in getting people to not vote, particularly  
6    minorities, and we need to look at those and --  
7    not part of this Commission, I understand, but the  
8    broader issues in our society that are causing  
9    these problems. In querying League members and  
10   voters around the state about their voting  
11   experiences, voters all support early voting, vote  
12   centers, provisional ballots should there be a  
13   question, and same-day registration.

14           We do appreciate the text to connect to  
15   indiana.gov to register young people to vote.  
16   This is a great idea. They like to text, they  
17   like apps, and this is a great idea. There are  
18   others, and we would like to promote that as well.  
19   But then actually voting is problematic. Voting  
20   must be made convenient, accessible and  
21   meaningful. Democracy is not a spectator sport.

22           MS. CLEMENTS-BOYD: Thank you so much.

23           MS. HOYER: Thanks for the time.

24           MS. CLEMENTS-BOYD: And we now have

25   Ms. Vaughn.

1           Welcome, and please proceed when you're  
2   ready.

3                   MS. VAUGHN: Thank you. Thank you,  
4   Madam Chair and members of the Committee. I'm  
5   Julia Vaughn, Policy Director for Common Cause  
6   Indiana. We have approximately 12,000 members  
7   across the state, and are active at the state  
8   legislature, advocating for public policies to  
9   make voting more accessible to all Hoosiers, in  
10   addition to a number of other issues. I began  
11   working for Common Cause Indiana in 1995, so have  
12   quite a long-term perspective on voting rights in  
13   Indiana, and appreciate the opportunity to testify  
14   before the today.

15                  The first issue that I worked on when I  
16   started at Common Cause Indiana back in the  
17   mid '90's was the state implementation of the  
18   National Voter Registration Act, or the motor  
19   voter law. It's important to note that many  
20   Indiana lawmakers and other public officials were  
21   not supportive of the provisions to expand access  
22   to voter registration in new law, and dragged  
23   their feet at passing the state laws necessary to  
24   implement it. Indiana became the next-to-last  
25   state to implement NVRA, but only after litigation

1 was filed to force it. Only the State of  
2 Mississippi waited longer than Indiana to  
3 implement NVRA.

4 Once it was put into place, the law had a  
5 big impact here, at least initially. For several  
6 years in the mid to late '90's, Indiana was one of  
7 the top states for new voter registrations, but  
8 after a few years and a new administration took  
9 control of the executive branch of state  
10 government, it appeared that adherence to NVRA  
11 requirements began to wane.

12 Surveys were done to measure compliance,  
13 and groups filed lawsuits to force state agencies  
14 serving low-income Hoosiers and people with  
15 disabilities to consistently offer voter  
16 registration to their clients. Although it's been  
17 in place for more than 20 years now, ensuring the  
18 state faithfully complies with the law requires  
19 vigilance by advocates still today.

20 During the 2017 legislative session, the  
21 Indiana General Assembly passed Senate Enrolled  
22 Act 442 that allows the state to bypass key  
23 provisions of the NVRA when conducting voter list  
24 maintenance procedures. Common Cause Indiana and  
25 the ACLU Indiana have filed a lawsuit -- another

1 lawsuit has been filed as well -- to stop this  
2 practice, because we believe it puts legally  
3 registered voters at risk of being purged.

4 While we support efforts to maintain  
5 accurate voter rolls, we believe federal law must  
6 be followed when performing those functions. Our  
7 attorney, Jan Mensz, has testified on this earlier  
8 so I won't belabor the point, but did want to  
9 include it in my testimony to make clear that the  
10 failure to fully embrace policies to make getting  
11 and staying registered to vote in Indiana is not  
12 new.

13 Early voting is another area where Common  
14 Cause Indiana has gone to court to protect the  
15 rights of voters to have equal access. Since  
16 2009, one partisan appointee to the Marion County  
17 Election Board has blocked efforts to provide  
18 early voting in locations outside the County  
19 Clerk's Office, despite its widespread use and  
20 popularity in 2008.

21 Marion County has the largest number of  
22 voters in the state, as well as the largest  
23 percentage of African-American voters. As early  
24 in-person voting has flourished in the suburban  
25 and less diverse counties surrounding Marion, it

1 has declined in Marion County, with only one  
2 location.

3 Our attorney, Bill Groth, has given you  
4 details about this case in his testimony so I  
5 won't be repetitive, but do want to reiterate that  
6 the early voting law in Indiana, which requires  
7 unanimous consent of the Election Board to  
8 establish satellite sites, makes it possible for  
9 unelected partisan appointees to significantly  
10 restrict access to in-person absentee voting.

11 Indiana also has restrictive policies in  
12 place that reduce access to absentee voting by  
13 mail. Legislation was filed this year at the  
14 General Assembly to implement no-excuse absentee  
15 vote by mail and permanent absentee status. Both  
16 of these common-sense policies failed because of  
17 opposition from the Secretary of State's Office  
18 that was centered around concerns about vote  
19 security. This is disappointing because the  
20 evidence suggests that security risk with  
21 expanding access to absentee by mail are minimal.

22 It's important to give Hoosiers an  
23 alternative to voting on election day because we  
24 have the shortest voting hours in the country,  
25 with polls open from 6:00 a.m. until 6:00 p.m. We

1 believe those hours should be expanded and that  
2 polls should stay open until 8:00 p.m. Many  
3 Hoosier voters face long lines when they vote on  
4 election day. In fact, a 2013 study found that  
5 the average wait time for a Hoosier voter was 13  
6 minutes, which was the longest wait time in the  
7 Midwest and the 13th longest wait time nationally.

8 To address this, the state must encourage  
9 more early voting, both in person and by mail, and  
10 look closely at how some election administration  
11 policies negatively impact polling place  
12 operations. One of those policies, and its impact  
13 on the voting experience, came to light on general  
14 election day in November 2016. A couple of years  
15 prior, the state legislature passed a law  
16 requiring the counting of Marion County absentee  
17 ballots be done at a central location.

18 In 2016, the Election Protection Project, a  
19 national program to protect voting rights, fielded  
20 dozens of calls from Marion County voters who  
21 faced long lines and lengthy waits because poll  
22 workers were prioritizing checking the absentee  
23 lists over processing voters in line at the  
24 polling place. In fact, when we met with the  
25 Marion County Clerk to discuss this problem, we

1 learned that training materials instructed poll  
2 workers to prioritize checking lists over  
3 processing actual voters.

4 While we sympathize with the very hard  
5 place that state law has forced Marion County  
6 election administrators into, we will not tolerate  
7 voters being forced to wait while administrative  
8 tasks that can be delayed are performed. We will  
9 be monitoring poll worker training and polling  
10 place operations during the 2018 elections to  
11 ensure this does not happen again in Marion  
12 County.

13 We continue to have concerns about how  
14 Indiana's strict voter ID law impacts access in  
15 the state. Data collected by the Election  
16 Protection Project in 2012 indicated that seven  
17 percent of the problem calls they fielded from  
18 Indiana involved voter ID issues. Since it is  
19 unlikely this law will be repealed, the types of  
20 ID that can be used for voting should be expanded  
21 to include student ID's and state government work  
22 ID's.

23 Here in Indiana, as in many other states,  
24 voting right advocates are anxiously awaiting a  
25 United States Supreme Court decision in the



1 Wisconsin partisan gerrymandering case. The  
2 centerpiece of the Wisconsin case is whether or  
3 not the Court will endorse the efficiency gap as a  
4 fair, objective measure to use when determining  
5 the extent of partisan gerrymandering.

6 When the efficiency gap is used to analyze  
7 Indiana legislative districts, it indicates a  
8 partisan bias that benefits Republican candidates.  
9 We believe partisan gerrymandering is having a  
10 negative impact on the ability of Indiana voters  
11 to make their electoral voices heard, and will  
12 continue to advocate for redistricting reform and  
13 support legal strategies to uphold the  
14 Constitutional concept of one person, one vote.

15 Voting rights for Hoosiers are under  
16 attack. The threat varies considerably depending  
17 on where a voter lives, their party preferences,  
18 and how often they vote. The threats come from a  
19 variety of sources, but can primarily be  
20 attributed to partisan political interests seeking  
21 to impact election outcomes, and election  
22 administrators with conflicting priorities.  
23 Advocates for voting rights in the state must  
24 maintain constant vigilance to ensure equal voting  
25 access for all.

1           In 2014, Indiana experienced the  
2   embarrassment of having the lowest voter turnout  
3   in the nation, at 28 percent. There were many  
4   reasons for this, including too many uncontested  
5   and uncompetitive districts because of  
6   gerrymandering, and too many administrative  
7   obstacles hindering voter participation.

8           But what was most troubling, though, was  
9   the reaction from our state election officials.  
10   Rather than recognizing the emergency that exists,  
11   the Secretary of State and some legislators  
12   responded by denying the problem and quibbling  
13   about how turnout is being calculated.

14          We need an all-hands-on-deck attitude from  
15   all election officials in Indiana to address our  
16   low turnout. We need a willingness to try a  
17   variety of election reforms to improve turnout.  
18   Instead, we have mostly gotten denials that a  
19   problem exists, and have seen overblown concerns  
20   about security prevent even modest reforms, like  
21   no-excuse absentee voting, from moving forward.

22          Voting should be among the most inclusive  
23   activities we engage in here in the Hoosier State.  
24   We have a long way to go to create a truly  
25   accessible and inclusive voting process in

1 Indiana.

2 Thank you.

3 MS. CLEMENTS-BOYD: Thank you,  
4 Ms. Vaughn.

5 We now have, last but not least, Mr. Monroe  
6 [sic]. Please proceed when you're ready.

7 MR. MONROY: Good after -- good  
8 morning, I believe it still is. My name is Steven  
9 Monroy, and I am a Legislative Staff Attorney with  
10 the Mexican American Legal Defense and Educational  
11 Fund. First of all, thank you, Madam Chair for  
12 the -- extending the invitation, and members of  
13 the Commission, for taking the time to hear our  
14 testimony and consider this before preparing a  
15 report.

16 The Mexican American Legal Defense and  
17 Educational Fund is a national organization.  
18 We're both a law firm and an advocacy organization  
19 that protects the rights of minority voters across  
20 the United States, primarily the Latino community,  
21 but also other minority groups. We've had a  
22 number of lawsuits over the last 50 years that  
23 have expanded the ability to vote, expanded access  
24 to education, expanded access to employment,  
25 equality and various other types of impact

1 litigation.

2 Our work -- my work specifically as a  
3 legislative staff attorney is I advocate  
4 throughout the Midwest and also support our  
5 litigation efforts in these various areas. Our  
6 office is primarily based around the Chicago  
7 region, but over the years we have had work in  
8 Indiana and a lot of the surrounding states. And  
9 a lot of the various issues that are arising that  
10 my colleagues here are speaking about are -- come  
11 up in all states nationally, including the right  
12 to vote, and particularly considering the impact  
13 of various policies and voting methods on the  
14 minority communities.

15 So, to begin with, I'd like to begin with a  
16 few statistics of the Latino population in  
17 Indiana. As members of the Commission would  
18 probably know is that it is tough to get  
19 up-to-date, you know, statistics about exactly  
20 right now, in date and time, what the minority  
21 population is within the state, or any particular  
22 location. Our best source of these statistics are  
23 the decennial census, and so, every ten years we  
24 have the opportunity to have, you know, a wide  
25 outreach to get accurate numbers.

1           And as we're close to the next census, the  
2   numbers that we have right now are kind of in the  
3   middle of the decade. So, the most up to date  
4   right now I have is in 2014. The population --  
5   the Latino population in Indiana was 426,000  
6   individuals, and the state ranked 21st, around the  
7   middle of the nation. In comparison, according to  
8   the statistics as well, is that the total  
9   population of Indiana at the time was 6,597,000,  
10   which equals to about 6.5 percent Latino  
11   population.

12           When we're talking about voting rights, the  
13   total population of Latinos is not a very good  
14   indicator for either political power or  
15   representation, because the Latino population,  
16   even in comparison to other minority groups, we  
17   are -- we have two factors.

18           The first one is that we generally have a  
19   younger population, so that even if individuals  
20   are citizens born in the U.S. or they're foreign  
21   born, the population is generally younger, so that  
22   equals to being under the age of 18, most -- you  
23   know, for a greater percentage than some other  
24   ethnicities, so we have a lower citizen there.

25           The other factor to consider in the Latino

1 voting population is that we also have a large  
2 number of, you know, noncitizens in the  
3 population, and so, those also decrease the  
4 numbers of eligible voters in the Latino  
5 community.

6 When we're speaking of the eligible voter  
7 population, again, both over 18 and citizens,  
8 we're speaking of only 167,000 Latinos in the  
9 State of Indiana in 2014, so this is equal to 3.4  
10 percent of the state at that time. And as you can  
11 see, with the comparison, it was 6.5 percent of  
12 the total population and 3.4 percent of the voting  
13 age population. So, that is only half of those  
14 Latinos are eligible to vote.

15 How this -- how this actually kind of  
16 breaks down within the Latino population itself is  
17 that about 40 percent of Latinos in 2014 living in  
18 the state were eligible voters. So, this leads to  
19 the first concern about the demographics in the  
20 voting power.

21 The second concern in that is also the  
22 distribution. The Latino population in Indiana  
23 in 2014, and this trend has pretty much stayed  
24 consistent over the last four years, it's really  
25 been focused on three different counties, and here

1 in Marion County, 95,000 Latinos; in Lake County,  
2 in Northwest Indiana, 40 -- 90,000 Latinos; and in  
3 Elkhart County, with 31,000. Again, those numbers  
4 were in Marion, about 95,000; Lake County, 90,000;  
5 and Elkhart, 31,000. After Elkhart County there's  
6 a big drop-off after that in the numbers, so  
7 really, the Latino population is concentrated  
8 within those.

9 And until the next census, we don't really  
10 have an accurate number or estimation of the  
11 Latino citizen voting age population in those. We  
12 can estimate how it was a couple of years ago, and  
13 through, you know, active voting rights litigation  
14 there's various ways to estimate it, but we can  
15 see just on the exposition of those numbers in  
16 those counties, you know, dividing by half, that's  
17 pretty much what the Latino population is.

18 And when we're talking about voting rights  
19 inside of these different areas, you know, we  
20 often think about the impact on Congressional  
21 races, on state legislative districts, but equally  
22 as important, going down to the levels of local  
23 government within the counties, within the local  
24 jurisdictions, we really identify where these  
25 Latino citizens live, where these Latino

1 populations are, because the impact of voting  
2 rights is not just about who is elected, but about  
3 the community having their legislative priorities  
4 heard. So, we can have better legislation and  
5 better representation in government by more access  
6 to the vote.

7 That brings me to the major concerns that  
8 we work with nationally that apply here to  
9 Indiana. The first one, of course, is the access  
10 to the vote. The biggest tool that we have in  
11 access to the vote is the National Voting Rights  
12 Act. The Voting Rights Act was passed in the  
13 1960's, updated in the 1980's, and what it does,  
14 the most useful tool of it is it prohibits states  
15 or local governments or the national government,  
16 any form of government, from using an electoral  
17 tool or device that disenfranchises or dilutes the  
18 votes of minority communities.

19 And those minority communities are  
20 classified under the term of protected class, and  
21 that protected class is not just Latinos,  
22 Asian-Americans, African-Americans, but also  
23 includes various -- the various language minority  
24 groups as well, or Native-American communities.  
25 So, there's a wide variety of different types of



1 ethnicities or groups that have been analyzed and  
2 applied to in -- identified and applied to in  
3 voting rights litigation over the years.

4         Now, as I was going through and saying  
5 local government, that's a huge concern, because  
6 if you have a significant Latino population in a  
7 school district and you have an elected board or  
8 commission, and, you know, just over the years a  
9 Latino has never been elected to that for various  
10 methods -- reasons, either they've been outvoted  
11 by the majority or various other factors, those  
12 are opportunities to look in and say, "Is there a  
13 different way to restructure the vote?" So,  
14 that's one of the key ways that we enforce the  
15 Voting Rights Act is through looking at these  
16 different elections and methods.

17         In addition to how these are districted and  
18 how the boards are organized, we share concerns  
19 with my colleagues here on the panel of the access  
20 to the votes through polling and through  
21 registration. The Voting Rights Act improved very  
22 well and has prohibited different election devices  
23 of perhaps the way that the polls are structured  
24 and where the polls are located, what are the  
25 hours that are available, and various ways of how

1 the election's actually administered, and not just  
2 the way that the government is organized. Those  
3 could also be violations of the Voting Rights Act.

4 In terms of language access, none of the --  
5 one of the big tools that we have under this is  
6 that under the Voting Rights Act, specific  
7 counties that are identified by the national  
8 government have to have language access, and the  
9 Latino population in Indiana is growing, but yet  
10 it is not concentrated to the part where any of  
11 them are, you know, on its face, covered under  
12 this national law, which makes it more important  
13 for elected officials and advocates to really push  
14 for language access in these counties.

15 For instance, Lake County, significant  
16 Latino population, or Marion County, significant  
17 Latino population, but in -- compared to some  
18 other counties, such as Cook, for instance, in  
19 Illinois, there's -- the laws don't require the  
20 same extent to language access, which is why it's  
21 very important to kind of push for these materials  
22 to be in Spanish. There are groups that are  
23 really trying to get this through litigation -- or  
24 excuse me -- through legislation and policy versus  
25 some of the tools that are not available because

1 of how the community is structured right now.

2 In terms of language -- in terms of the  
3 other -- I'll reiterate again, in terms of  
4 redistricting, the census is a huge opportunity  
5 that's coming up in the next couple of years for  
6 the state to really figure out where -- the sizes  
7 of the minority communities that are in the state,  
8 and then also where they are located. Other  
9 states have looked at the different kinds of  
10 advisory commissions or boards, you know, such as  
11 on the state level, to really kind of push through  
12 and organize a push for an accurate census. So,  
13 that's one thing that the State of Indiana could  
14 do to really get an accurate count of where  
15 minority communities live.

16 The -- I would like to -- also I'd like to  
17 mention the voter ID, you know, impact after the  
18 Marion County case. Of course, it's been about  
19 ten years since we have -- it's been about ten  
20 years since it's been in place, and we share the  
21 concerns of our fellow panelists here that are  
22 concerned about the very short list of acceptable  
23 documents.

24 When the Supreme Court looked at it, they  
25 said that there was no -- you know, there's no

1 opportunity to challenge it on the face so that --  
2 because there was sufficient back measures where  
3 people could do a provisional poll and then go  
4 travel and then do a certification.

5 But in actuality, once we see right here,  
6 it really has an impact on the minority voters and  
7 certain other communities that, you know, have a  
8 harder time not only traveling to get a  
9 provisional vote, but when they're actually  
10 getting their ID to begin with, getting access to  
11 the -- all of the documentation of a driver's  
12 license, of everything they need to show for that.

13 So, we really encourage the state to look  
14 into other ways of expanding the list of  
15 acceptable documentation, whether it's school ID's  
16 issued by the school boards or employment,  
17 anything else that could match with what other  
18 states are working on.

19 And as I -- as my colleague from Common  
20 Cause also mentioned, expanding the early voting  
21 and opportunity for polling that -- so, the fact  
22 that the State of Indiana does not allow voting  
23 after -- between that 6:00 and 7:00 o'clock hour,  
24 when many people are out of work and have that  
25 actual opportunity, is a real problem for, you

1 know, individuals who are not available to vote  
2 during the day.

3 So, expanding these different opportunities  
4 is very key to ensuring that Latinos in particular  
5 have as much opportunity to vote as possible,  
6 since -- because of the demographics and the other  
7 change, already that -- the actual pool of  
8 eligible voters within the community is  
9 actually -- is much smaller. And so, being able  
10 to provide the access to the vote for those  
11 individuals that are qualified to vote really  
12 ensures that you have the best amount of  
13 representation for the entire community.

14 Thank you.

15 MS. CLEMENTS-BOYD: Thank you so much.  
16 Now we have, I'm sure, questions from our panel.

17 Mr. McGill.

18 MR. MCGILL: Yes, I'm Billy McGill.  
19 I'm sorry. This is Billy McGill. Ms. Adams,  
20 specifically, a disabled person who was told to  
21 vote somewhere else is something that caught my  
22 attention. What exactly requires -- or  
23 constitutes a separate and private voting booth?  
24 How is that defined?

25 MS. ADAMS: I'm not sure of the

1 specific definition, but the right to vote --

2 MR. MCGILL: Just what it would look  
3 like.

4 MS. ADAMS: Right. It would just --  
5 it would just mean that there isn't somebody there  
6 that can see what -- how you're voting.

7 MR. MCGILL: Right.

8 MS. ADAMS: And often --

9 MR. MCGILL: In proximity to, in other  
10 words?

11 MS. ADAMS: The proximity to other  
12 voters, to needing assistance from someone because  
13 of lack of accessibility, then that person  
14 assisting knows who you're voting for.

15 MR. MCGILL: Sure, I gotcha. I like  
16 Ms. Hoyer's comment that voting is not a --  
17 democracy is not a spectator sport, so I  
18 appreciate that.

19 Ms. Vaughn, does federal law then prohibit  
20 instructions to prioritize, whatever that means, I  
21 wasn't quite clear. You know, I'm in Fort Wayne,  
22 so I'm not as privy to the Marion County lawsuit,  
23 but what were they doing with this prioritizing  
24 voters, at least that you all alleged?

25 MS. VAUGHN: Oh, in terms of the,

1    yeah, central count? Well, you know, they have to  
2    know who has cast an absentee ballot versus who is  
3    showing up in person at the polling place, so  
4    periodically, lists of those folks who have voted  
5    absentee are sent out to the polling places. That  
6    is one of the jobs of poll workers is to check  
7    those lists and make sure that folks who haven't  
8    already voted absentee are voting in person.

9           The problem, I think, in 2016 was we were  
10   anticipating high turnout in a presidential  
11   election year, and this was the first presidential  
12   election year that a central count was required,  
13   and there was a lot of pressure on the county to  
14   have the election results available as quickly as  
15   possible upon the closing of the polls at 6:00  
16   o'clock. So, it became this competing priority,  
17   "Are we going to be able to have all of our votes  
18   counted, including the counts that are required  
19   for absentee, and are we going to be able to  
20   announce the results as quickly as possible?"

21           And so, unfortunately, the county just  
22   erred on the side of being able to announce the  
23   results quickly after the closing of the polls,  
24   and in -- you know, I -- my husband's a polling  
25   place inspector, so he showed me the materials

1 from his training, which clearly told the poll  
2 workers, "Prioritize the counting or the checking  
3 of the absentee lists."

4           You know, we continue to be challenged in  
5 Indiana over what's good for voters and what's  
6 good for those who are administering the  
7 elections. And I don't want to be too critical of  
8 those who are in charge of administering the  
9 elections, because I recognize what an incredibly  
10 difficult job it is. But clearly in Marion County  
11 there was a failure in 2016 in too many polling  
12 places, not every, but too many polling places,  
13 where voters took a backseat to administrative  
14 duties.

15           That's troubling to me. It would seem to  
16 me that common sense would tell you that checking  
17 the lists can wait. You've got voters lined up in  
18 front of you. That has to be your priority. But  
19 in too many locations in this city, common sense  
20 didn't prevail. People were made to wait, and  
21 some of those people simply couldn't wait. They  
22 had to leave. So, to be disenfranchised for  
23 administrative reasons, to me, is absolutely  
24 infuriating, and we just can't tolerate it.

25           So, you know, that's why watchdogs like



1 Common Cause, the League, MALDEF, NAACP have to be  
2 vigilant and aware of what's going on. I mean  
3 ironically, this problem was translated to me from  
4 an organization in Chicago, not even in the State  
5 of Indiana. It didn't make the media here in  
6 Indianapolis, and I think if people are being made  
7 to wait for a lengthy amount of time, that's  
8 newsworthy.

9 MR. MCGILL: Sure.

10 MS. VAUGHN: So, you know, we just --  
11 I think part of our challenge is educating voters  
12 about how to well run a polling place, things  
13 that, you know, they should expect, and things  
14 that are out of bounds, and that when they happen,  
15 they need to be reporting this to the respective  
16 authorities, because, you know, again, the rights  
17 of voters must prevail.

18 MR. MCGILL: Sure. And then lastly,  
19 Madam Chair, Brother Monroe [sic], it's obviously  
20 troubling, the underrepresentation of Latinos, but  
21 have you -- I know you're in Chicago, but are you  
22 aware of any advocacy groups -- I'm sure the  
23 League is reaching out, but specifically focused  
24 on the Latino population in Indiana and their  
25 participation in the process?

1                   MR. MONROY: In all honesty, I'm not  
2 yet, actually. I was here, and I think my  
3 colleague in the League, to discuss ways that we  
4 can really reach out and actually have these  
5 grassroots. Some of the other states in the  
6 region, like Ohio, have a Commission on Latino  
7 Issues, and it's very easy to find, you know, who  
8 is already advocating for the community on the  
9 ground. There's some other groups in Wisconsin  
10 and that sort of thing. I think that maybe she  
11 can speak a little more to people who are on the  
12 ground.

13                   MS. HOYER: Oh, I was just going to  
14 add that the League has started to work with the  
15 Latino Institute, and they have a fairly large  
16 group. We are also working -- are going to be  
17 working or talking to the Ten One Hundred Group,  
18 which is a group of Latinos, and they're  
19 looking -- they've collected some money -- to  
20 assist Latinos to run for office. So, whether or  
21 not they will be successful in -- but they're  
22 getting out there, and we are working with them.

23                   MR. MCGILL: Thank you, madam.

24                   MS. DAVIS: Hi. Tammi Davis, from  
25 Gary, Indiana.

1           Having worked with the League of Women  
2 Voters Calumet Region and the NAACP, one of the  
3 things that I know is that there's always a lack  
4 of resources, lack of financial resources, lack of  
5 human resources, technological resources. But as  
6 the Good Word tells us, our people suffer for lack  
7 of knowledge. And collectively, you all are a  
8 powerhouse, but how does that power translate to  
9 John and Jane Q. Citizen; right?

10           When you do have a lack of resources -- and  
11 you can partner together all day long, but still,  
12 we're missing so many that don't get the  
13 information they need to know about if they are  
14 physically or mentally disabled: What do they do  
15 when they get to the polls? If they don't have  
16 access to the Internet, how will they get it? You  
17 know, so how can, creatively, we help get the  
18 message out about some of our challenges and  
19 getting down to the real advocacy grassroots? How  
20 will you get your message to the people that  
21 really need to get it, and how might we be able to  
22 help?

23           MS. ADAMS: Well, one of the things  
24 that we have done -- and we're very proud of the  
25 work that we have done over the last two years on

1     this very topic, because we recognize that as  
2     well. Part of our -- the work that we do under  
3     our grant is we do go out and we educate people  
4     with disabilities as to what their rights are.  
5     But, you know, going physically to one location  
6     and maybe having a group of 10 to 20 people is not  
7     going to have a huge impact on the greater group.

8             So, we have developed several videos. We  
9     partnered with WFYI, which is our national NPR  
10    affiliate, and we have developed several videos  
11    that are very well produced, and they're on our  
12    YouTube channel. We offer them to County Clerk's  
13    Office, we have offered them to our Secretary of  
14    State's Office to put on their Web site. We  
15    actually have the Cal -- I believe it was the  
16    Secretary of State in California found our videos  
17    and asked if they could put them on their Web  
18    site.

19            So, you know, we're looking at those  
20    mediums that people have access to. Our videos  
21    are very specific to -- several of them are  
22    specific to people with disabilities, but they can  
23    translate to other groups as well. It's how do  
24    you go? How do you register? What to expect when  
25    you get to the poll. And we've also created two

1 videos to assist poll workers to better understand  
2 how to work with people with disabilities. So,  
3 that has been a very valuable resource.

4 We have also found that combining forces  
5 with other groups -- we have worked with different  
6 chapters of League of Women Voters to get the word  
7 out, and, you know, there's always going to be  
8 more power, as you said. As we work together,  
9 it's always going to be easier, but as we develop  
10 resources and share those resources, I think  
11 that's -- you know, that's one approach that we  
12 can use.

13 But I think it's very important to look at  
14 the mediums that people are looking at today,  
15 because it just doesn't work to just travel to  
16 small groups and try to deliver -- explain what  
17 people's rights are. We've got to have that --  
18 use our resources wisely to develop those tools  
19 that can be used for several years and that can  
20 apply across the grid.

21 MS. DAVIS: As a quick follow-up, I  
22 know that the comment period is up until  
23 April 2nd, so as a part of your testimony, would  
24 you include or e-mail the link to the videos that  
25 you have out there to the [mrointern2@usccr.gov](mailto:mrointern2@usccr.gov), so

1     that could be a part of the testimony that we  
2     package together?

3                   MS. ADAMS:   I would be --

4                   MS. DAVIS:   I think that would be good  
5     information to have.

6                   MS. ADAMS:   -- thrilled to share that  
7     with you, absolutely, yes.

8                   MS. DAVIS:   Yes, we'd appreciate that.  
9     Thank you.

10                  MS. HOYER:   In answer to your  
11     question, there are several parts.   The state  
12     League is an umbrella, and we support local  
13     Leagues and their activities, and we are now using  
14     a lot more technology.   The president of each  
15     League, Google group, so we can get information  
16     out quickly.   We have a Dropbox.   This is what --  
17     where we can share great ideas, things that people  
18     have done in their local Leagues.   Communities are  
19     different and their resources are somewhat  
20     different.

21                  That said, for instance, we have -- we do  
22     have a high school civics program, and we go to  
23     the high schools to register voters, and we work  
24     it out with the three county superintendents that  
25     we teach one of the government classes, and we are

1 now incorporating a lot more razzle-dazzle. The  
2 League of Women Voters is not middle-aged women.

3 (Laughter.)

4 MS. DAVIS: That's right. I was a  
5 member.

6 MS. HOYER: So, we are --

7 MS. DAVIS: On board.

8 MS. HOYER: -- on target and we are  
9 fun, too. So, we go there, and Tippecanoe County  
10 is really leading the way. Last year, before the  
11 election, they had a polling place across the  
12 street from one of the high schools, so they had a  
13 rock band and snacks and balloons and a lot of  
14 emotion, and got a lot of publicity, and it was  
15 fun. This was in the early voting process.

16 Then this year, they are actually going to  
17 have -- still going to do the civics and  
18 registering voters there, but they are actually  
19 working with the election board, and Tippecanoe  
20 County is really quite receptive, and even with  
21 the Democrat-Republican mix, going to have polling  
22 places, early voting, one day a week in each of  
23 the high schools, so that students can easily  
24 vote, teachers and staff, and also the public.  
25 That will be just -- those will be just one of

1     them.

2             So, those are League-initiated efforts, and  
3     I think that we are -- also have recognized that  
4     if we can reach the children, we may be able to  
5     reach their parents as well. So, we are looking  
6     at ways to do that that might be effective, and we  
7     have also -- we even tried in Tippecanoe County to  
8     register voters who came to the Food Finders food  
9     truck at the sheep barn at the fair, the 4-H Fair  
10    place, and that was horrible.

11                             (Laughter.)

12             MS. HOYER: It was ridiculous, because  
13    people were poor, it was cold, and they were  
14    standing in line for their food, and there was  
15    residue on the floor. So, we complained about  
16    that so at least they could later pick up their  
17    food in the future at a more amenable location.

18             So, we need -- and we are rethinking: When  
19    is a good time to reach people? And different  
20    segments the location is different, the message is  
21    different, and we were told -- reminded by one of  
22    our Latino friends that not -- immigration is not  
23    the only issue for Latinos. So, we are looking at  
24    our message about why you want to vote, and what  
25    does it mean to you, and what does it mean to your



1 group and all of us together? So, we are learning  
2 and we are beginning to adjust, too, but what you  
3 want to do for teenagers and elderly and  
4 disabilities, people with disabilities, and small  
5 neighborhoods, how you reach them is different.

6 So, really it's a marketing problem. And  
7 now we have a marketing person on our board who's  
8 going to help, and Oscar is a graphic artist. So,  
9 we are looking at how to reach these groups and  
10 help people to understand that we're just not  
11 middle-aged ladies that do this. We are truly  
12 activists.

13 MS. VAUGHN: I would just underscore  
14 Dawn's point about building coalitions to work on  
15 these issues. You know, there aren't a whole lot  
16 of organizations in Indiana that protect democracy  
17 as their full-time job, but there's concern among  
18 a lot of different organizations:

19 Environmentalists, consumer organizations, senior  
20 citizens, folks with disabilities, and we've seen  
21 that concern heightened by the 2016 elections.

22 People more and more understand that the nuts and  
23 bolts of election laws really matter in terms of  
24 who gets elected. So, I'm encouraged that more  
25 and more people seem interested and willing to do

1 the hard work of rebuilding our democracy.

2 I would also add that it's disappointing  
3 that foundations in Indiana do not fund this kind  
4 of work. You know, we're across the street from  
5 the largest foundation in the state's offices, the  
6 Lilly Foundation. I'm not using its correct name,  
7 but, you know, civic -- funding this type of  
8 rebuilding of democracy and civic engagement is  
9 very important, but no Indiana foundations will  
10 touch the kind of work that we do.

11 Thankfully there's an organization -- the  
12 Joyce Foundation in Chicago funds our work, a lot  
13 of our work on redistricting. But we shouldn't  
14 have to go to a foundation in Chicago to fund  
15 efforts to strengthen democracy in Indiana.

16 MR. MONROY: Thank you. Very briefly,  
17 I just want to kind of second something that  
18 Ms. Hoyer mentioned earlier, is that people need  
19 to believe that their vote counts, that voting  
20 matters. I think the best way, in addition to all  
21 of the outreach, is to have more -- to do  
22 everything that we can to raise the belief that  
23 people's vote matters, that when they go to the  
24 polls, it's worth their time.

25 Not just that their vote is going to count,

1 but also that it has an impact, and that goes into  
2 redistricting, about whether or not people believe  
3 that their votes are going to be wasted. It goes  
4 into people -- you know, into communities where  
5 people are going to say, "If I'm voting for this  
6 Latino community -- or this Latino candidate or  
7 this Asian candidate or this African-American  
8 candidate, you know, I want to -- I want to know  
9 that my vote is going to have a realistic chance  
10 of getting this person elected."

11 And a lot of times it happens where people  
12 run and it's different election devices that --  
13 whether it's because of their -- you know, they  
14 don't have enough name recognition, that there's  
15 no -- there's not enough different infrastructure  
16 built up, that those candidates really are seen as  
17 not having a chance.

18 So, it's a mixture of both those different  
19 election devices prohibiting people's vote, but  
20 any kind of structural reform that can be done to  
21 make sure that candidates are seen as, you know,  
22 being viable and that the community can actually  
23 have their voice heard if it traditionally hasn't  
24 had.

25 MS. CLEMENTS-BOYD: Could you keep the

1     mike?

2                     MR. MONROY:   Yes.

3                     MS. CLEMENTS-BOYD:   You stated in your  
4     testimony that in Indiana, because of the small  
5     population of eligible voters, that voters with  
6     limited English proficiency don't receive some of  
7     the, I guess, materials that are translated, I  
8     guess, because of the small numbers, versus a Cook  
9     County, Illinois scenario.  Is there a threshold  
10    that you're aware of that would provide those  
11    resources based upon a population?

12                    MR. MONROY:   So, I apologize if I  
13    misspoke.  I was trying to get at the legal  
14    protection.  So, there is a certain threshold, and  
15    I don't know it off the top of my head, but I  
16    believe it's around ten percent, but I can get  
17    that.  And that threshold requires that that  
18    county -- and it's either county by county or city  
19    by city -- that they'll have to require these  
20    types of materials by law.

21                    Now, a lot of these different places with  
22    large Latino populations, or Asians or, you know,  
23    other minority groups that need a language  
24    translation, a lot of these they're doing the  
25    right thing, and the counties or the cities are

1 providing it, but the problem is that if they're  
2 not, and if the population is not big enough to  
3 require it under federal law, then it kind of  
4 lacks that extra like teeth on it to actually  
5 require that. But I can get that exact threshold.

6 MS. CLEMENTS-BOYD: Yes.

7 MR. DOUGLAS: I wanted to make -- this  
8 is Chris Douglas. I wanted to make a request of  
9 everybody, that with respect -- I think all of  
10 your organizations have access to people with  
11 individual testimony, and perhaps you've provided  
12 that in other contexts as well. I think it would  
13 be helpful to the Committee -- we have until what  
14 date to collect --

15 MS. CLEMENTS-BOYD: April 2nd.

16 MR. DOUGLAS: We have until April 2nd  
17 to collect testimony, and I think the report would  
18 be very much strengthened by individual  
19 experiences. And so, anything that you could  
20 supply, I think, would be very, very helpful  
21 there.

22 Secondly, with regard to the request, we  
23 were going to have a representative of the  
24 Department of Education, the Secretary of  
25 Education, Superintendent of Education, speak, but

1 we're not now. And what I'm wondering is Patsy,  
2 if you'd be willing, if the League of Women Voters  
3 would be able to submit some testimony to us that  
4 is a little bit of an assessment of the state of  
5 civics education.

6           You're going -- the League is going in and  
7 doing some civics education in some school  
8 districts. It's welcomed. It sounds like it's  
9 hand in hand with some school districts. Maybe  
10 you have some insight into what the situation is,  
11 to the degree that you can across the state, and  
12 my observation is that the Indiana Constitution  
13 establishes public education as a core mission of  
14 this state, and one of the reasons was that edu --  
15 public education was to be a real contributor to  
16 the foundations of our democracy.

17           And so, I think when our democracy was  
18 founded, there was an expectation of how would  
19 people be instructed in its practice, and I think  
20 that was -- so, I think this concept of education  
21 is something that's important that you perhaps  
22 could provide the Committee with some insight  
23 into.

24           MS. HOYER: We can do that. We can  
25 find out what's happening in various counties. We

1     also -- I should add that particularly Oscar has  
2     worked with We the People organization, and the  
3     League is presenting a League We the People  
4     program in various communities, and that's very  
5     helpful as well, so -- and we've been able to fund  
6     some of that.

7                     MR. DOUGLAS:   Great.   If the League  
8     could provide some assessment to the Committee, I  
9     think that would be very helpful.

10                    MS. CLEMENTS-BOYD:  I just want to  
11    ask:  Are there individuals that have signed up in  
12    the public that wish to speak today?  Because we  
13    are entering into a public comment period.

14                    MS. WOJNAROSKI:  I have just one.

15                    MS. CLEMENTS-BOYD:  One; okay.  We  
16    will take a few more questions, but we certainly  
17    want to make time for individuals that want to  
18    speak.

19                    Go ahead.

20                    MS. O'CALLAGHAN:  Thank you.

21                    This is Patti O'Callaghan.  I want to thank  
22    you all for your testimony, and each one of you  
23    really did list some specifics of things that you  
24    would like to see going forward, and I was hoping  
25    that their testimony could be available to us.  I

1 mean I know we'll have the transcript, but just  
2 their individual testimonies would be really  
3 helpful for us to have.

4 One of the suggestions that you made,  
5 Julia, for the photo ID is the -- you made two, to  
6 expand it, the student ID's and the state  
7 government ID's, but -- and those are great, and  
8 MALDEF also mentioned that, too, but neither one  
9 of them get to really the minorities or the poor  
10 people. Is there any suggestions that you have  
11 for that part?

12 MS. VAUGHN: Well, you know, something  
13 other than an ID: A utility bill, a -- you know,  
14 other mail from some official source. I mean  
15 getting away from this idea that it's got to have  
16 a picture, it's got to have an expiration date,  
17 and this really narrow, you know, way of proving  
18 one's identity, because, you know, when you look  
19 at the threat of people impersonating someone else  
20 at the polling place, it just -- you know, we have  
21 no evidence that it is a real threat.

22 So, I think that we need to work on the  
23 other side to make the ID requirement as expansive  
24 as possible. So, things like utility bills,  
25 something other than, you know, a government



1 issued ID with a photo on it. You know, a lot of  
2 students can use their college ID's if they've got  
3 the expiration date on them.

4 And so, that just seems like a silly  
5 administrative rule that's erecting a barrier that  
6 is far higher than this threat of vote fraud. So,  
7 we think the state should be far more expansive in  
8 the types of government I -- or the types of  
9 identification that can be used by a voter to  
10 establish their entitlement to vote.

11 MS. O'CALLAGHAN: Great. Thank you.

12 And then also, Patsy, you mentioned not  
13 getting a hearing on the gerrymandering bill. Is  
14 there any way that we will be able to get some  
15 legislation to help redistricting before the next  
16 census?

17 MS. HOYER: We will work very hard for  
18 that end. There is large support for it in our  
19 communities. The League has proclam -- collected,  
20 with Julia Vaughn, proclamations from local  
21 governments, cities, towns, counties. We have had  
22 people telephone, call, show up at marches.

23 I don't know. I honestly don't know. I  
24 would like to think so, but it is not -- the  
25 response is not commensurate with the effort of

1 people who are interested in doing it, because I  
2 have no idea what Milo Smith was thinking or what  
3 Brian Bosma was thinking, but the Chairman of the  
4 Elections Committee decided not to hear it in  
5 committee, and it died.

6 If one person, rather -- looking at it  
7 capriciously, can so cavalierly dismiss something  
8 without even any discussion that so many people  
9 are very interested in, I -- I only hope Milo  
10 Smith doesn't back -- I mean I don't --

11 MS. O'CALLAGHAN: You had some -- the  
12 process?

13 MS. VAUGHN: Yeah. And it's important  
14 to note that the person who killed redistricting  
15 reform the past two years will not be coming back  
16 to the Indiana General Assembly. He is retiring.  
17 We have a number of incumbent legislators who are  
18 retiring this year, both Republican and Democrat.

19 So, we're going to have a whole lot of new  
20 faces, and hopefully more support, but we intend  
21 to make redistricting reform one of the top issues  
22 that candidates for our state legislature need to  
23 take positions on if they want to represent us  
24 inside the Indiana Statehouse.

25 And the other thing that's pending that I

1 think will -- if it turns out the way we hope, I  
2 think will serve as a great motivator for Indiana  
3 is the partisan gerrymandering case out of  
4 Wisconsin, and then there are others pending from  
5 other states. Indiana, we have evidence and can  
6 show that partisan gerrymandering was conducted  
7 in 2011. And I want to make clear that that's not  
8 the first time gerrymandering took place in  
9 Indiana -- 1991, 2001. Both parties have a long  
10 history of manipulating district lines to suit  
11 their partisan political purposes.

12 But now we've got academics and attorneys  
13 who have worked together to create these objective  
14 standards, and if the Supreme Court accepts the  
15 efficiency gap as a good objective standard in the  
16 Wisconsin case, then similar litigation will be  
17 filed here in Indiana, because we've got a really  
18 high efficiency gap, just like Wisconsin did.

19 Now, the impact of that will either  
20 encourage the General Assembly to get serious  
21 about redistricting reform that includes both an  
22 independent commission and redistricting  
23 standards, or it could possibly have the opposite  
24 impact, cause them to dig their heels in and say,  
25 you know, "Gerrymandering? What gerrymandering?"

1           So, there's a lot going on in the national  
2   landscape that is going to impact redistricting  
3   reform efforts in all states. I would just note  
4   that what we're trying to do here in Indiana,  
5   which is change -- implement redistricting reform  
6   through the legislative process has never  
7   succeeded.

8           Those states that have reformed  
9   redistricting have done it through the ballot  
10   initiative. It is extremely difficult to get  
11   incumbent legislators to change the law, because  
12   gerrymandering has just been a very effective way  
13   for them to impact election outcomes. But I think  
14   with an assist by the Supreme Court, that could  
15   change, and we're counting on that happening.

16           MS. O'CALLAGHAN: Yes.

17           MS. HOYER: I would also like to  
18   add -- I mean it certainly will continue to be the  
19   number one priority for the League, but when I got  
20   involved in this several years ago, nobody really  
21   knew what redistricting was or what you were  
22   talking about. Now, when you talk to people just  
23   around and about, "Oh, yeah, I've heard about  
24   that. Oh, yeah, we should do that." So, the  
25   general population does know what redistricting

1 is, so we have reached the man on the street, so  
2 to speak.

3 MS. CLEMENTS-BOYD: Ernesto?

4 MR. PALOMO: Good afternoon, everyone.  
5 This is Ernesto Palomo from Chesterton, Indiana,  
6 and I have a follow-up question for Mr. Monroy,  
7 similar to the question posed by the Chair.

8 If I understood your testimony correctly,  
9 there's only about 167,000 Latinos eligible to  
10 vote in Indiana.

11 MR. MONROY: Yes. Let me recheck that  
12 just to make -- that's correct, yes.

13 MR. PALOMO: Okay.

14 MR. MONROY: So, 167,000.

15 MR. PALOMO: Okay. And it's -- do you  
16 have any statistics on the percentage of eligible  
17 voters who actually came out to vote in 2016?

18 MR. MONROY: I don't have that with  
19 me, but traditionally nationwide, it's about half  
20 of those. So, then thinking of the entire total  
21 population, only a quarter of those are actually  
22 voting.

23 MR. PALOMO: Okay. And do you know if  
24 these statistics are any higher in Chicago, which  
25 does have the language access for Latinos?

1     Because even though we might not have the  
2     threshold numbers in Indiana to do something about  
3     it or force them, but we can at least suggest,  
4     especially if there's some, you know, statistical  
5     evidence that having that access encourages people  
6     to come out and vote.

7                     MR. MONROY: I only have it  
8     anecdotally that it does, it does affect turnout,  
9     that individuals are more likely to vote if they  
10    think that their vote is going to count, and also  
11    that -- not just that they're turning out to vote,  
12    but that they're turning out to vote in that  
13    they're bringing the right information with them.

14                    So, for instance, in Illinois, we passed  
15    same-day registration, so even if people have  
16    their address wrong or show up at the wrong  
17    polling place, in most cases they can register on  
18    that same day so they can get in. And I've  
19    personally witnessed people doing election  
20    protection, that if they were at the wrong polling  
21    place because they had moved and they show up at  
22    their new location, you know, it wasn't a problem,  
23    because they would just register that same day.

24                    And if I may, I have an answer to that  
25    language access question. So, it is Section 203

1 of the Federal Voting Rights Act, and it covers  
2 individuals in four different circumstances. The  
3 first one is if the jurisdiction has more than  
4 10,000 people within that language minority group,  
5 so whether it's a county or a city, if that  
6 election authority has 10,000 people of that group  
7 inside of it, then they have to use that lang --  
8 they have to provide language access.

9 Also, if there is more than five percent of  
10 all voting-age citizens, or if on an Indian  
11 reservation it exceeds five percent of all  
12 reservation residents, and if the illiteracy rate  
13 of the group is higher than the national  
14 illiteracy rate.

15 MS. CLEMENTS-BOYD: So, five percent  
16 of voting rates?

17 MR. MONROY: Yes, in the case of  
18 Latinos, yes, it's five. All groups except for --  
19 the only exception is for on an Indian  
20 reservation, the Indian reservation, it exceeds  
21 five percent of all reservation residents. In all  
22 other groups, it's that it exceeds five percent of  
23 all citizens of that group.

24 MS. CLEMENTS-BOYD: Okay.

25 Tammi?

1                   MS. DAVIS: I always have to wait for  
2                   this green light. What is your source of data,  
3                   before I get to my question, that we can have that  
4                   noted?

5                   MR. MONROY: So, for the Section 203,  
6                   this -- a very good resource for this is on the  
7                   Department of Justice Web site, they have a  
8                   breakdown of it. And then there's an actual list  
9                   of all covered jurisdictions, because the  
10                  Department of Justice publishes the list. They do  
11                  the homework for everybody, and actually say,  
12                  "This is the covered jurisdictions, this is the  
13                  noncovered."

14                 In the other ones, a very good resource of  
15                 information update is the Pew Research Center, so  
16                 the statistics I gave were both from the Census  
17                 Bureau, double-checked through the Pew Research  
18                 Center. They have a "Latinos in 2016 election,"  
19                 and the URL basically says, "The Latinos in the  
20                 2016 election in Indiana."

21                 MS. DAVIS: All right. And I think,  
22                 as my fellow Committee member has emphasized, that  
23                 the comment period is up until April 2nd, and so,  
24                 if there is information that you didn't have the  
25                 time to share today, please feel free to submit



1 your additional volumes of information to us via  
2 the e-mail address.

3 But getting to my question, as I mentioned  
4 before, people suffer for lack of knowledge, and  
5 one thing I do know is that the League of Women  
6 Voters, the state, does a very good job in pushing  
7 out what's happening with various legislation.

8 But to the point that was made earlier,  
9 there are a lot of people that are interested,  
10 there are a lot of people that want to get  
11 involved, they just don't know. And by the time  
12 we hear about something, it's the end of the  
13 session and the legislators have come home and  
14 say, "Oh, this is what we didn't do." So, that  
15 doesn't serve us very well.

16 So, as a part of your follow-up -- I guess  
17 we're giving you all some homework, even though  
18 we're supposed to be taking notes, but one of the  
19 things that I think that I would like to see in  
20 terms of being solution oriented is, Ms. Hoyer,  
21 you can provide how other organizations can sign  
22 onto receive those legislative alerts. I get  
23 them, and they're very informational in real time.

24 MS. HOYER: I would like to comment on  
25 that. We have initiated this past year a -- an

1     advocacy program, where our issue advocates follow  
2     the bills that we think are important, and will  
3     immediately send out action alerts at the times  
4     during the bill's processing to anyone on our  
5     e-mail list. We started with our members, but we  
6     also have other organizations that we send those  
7     information [sic] to.

8             And we also are using what is available in  
9     Indiana now, ping the people that come, and that  
10    would give you -- ping your computer when you've  
11    signed up to get information on whatever bills you  
12    individually want. Our advocates use that and  
13    they get that information out.

14            We are sending it now to more organizations  
15    for them to relay to their very large members  
16    groups, so that it does -- we are working to get  
17    that out very fast and not afterwards. We'll hold  
18    them accountable afterwards, but we will be -- we  
19    will have this information.

20            And we've done that repeatedly with  
21    redistricting and said when bills were going to be  
22    heard, and asked people to come to Indianapolis as  
23    they are able. But we get that out, because we  
24    are now calling for people to join us, either as  
25    members or just interested citizens, as

1 kitchen-table advocates, because you can do that  
2 from your phone or your computer at home.

3 MS. DAVIS: There will be an official  
4 transcript of today, and if you're not going to be  
5 here for the remainder of the afternoon, I would  
6 recommend that you get the transcript. I don't  
7 know how you might be able to receive a list of  
8 all of the panelists, but I think it would make  
9 sense for collaboration purposes that, at a  
10 minimum, each of the organizations that have  
11 presented before us today should sign up to  
12 receive those legislative alerts and tracking.  
13 And Nicole might be able to help you with that.

14 MR. DOUGLAS: I think this is for  
15 Julia. Bear with me for a moment. I wanted to  
16 understand a little bit about your thoughts about  
17 ballot security with respect to absentee ballots.  
18 It seems as though there's been all of this  
19 attention to voter ID, though no evidence of  
20 fraud. On the topic of absentee ballots, an alarm  
21 went up in my mind when I was watching a Netflix  
22 movie, and it was the -- it was a documentary on  
23 this individual, the founder, president and CEO of  
24 the largest privately owned time share company in  
25 the world, based in Florida.

1           And in it, he's at an inaugural ball and  
2   he's bragging, and he claims to have been a  
3   kingmaker, made a big -- played a big role in the  
4   2000 election, and the reporter asks him -- this  
5   is footage from the ball -- asks him, "Is that  
6   true?" And he said, "I sure did. I got George W.  
7   elected President, personally got him elected  
8   President." And then the interviewer, in modern  
9   day, follows up with him and says, naturally, "How  
10  were you personally responsible for the election  
11  of George Bush?" And he said, "I -- I'd rather  
12  not say, because it may not necessarily have been  
13  legal."

14           And I -- so, that, of course, got my mind  
15  running. Well, if I were the large -- the  
16  president and CEO of the largest time share  
17  company in the world, and I've got units of people  
18  moving in and out of my facilities, I've got  
19  hundreds of units, people moving in and out of my  
20  facilities weekly, it seems to me that, well, I  
21  could perhaps register them for absentee ballots  
22  and do it wholesale.

23           And then more lately I became alarmed with  
24  this question of, "Were people dual registered in  
25  different states and voting twice?" I thought,

1 "Well, if somebody has succeeded in that fraud,  
2 then those voters could show up as voting in two  
3 different states."

4 So, all of this is, of course, very  
5 hypothetical, et cetera, except that that made me  
6 very suspicious of this topic of absentee voter  
7 fraud and the fact that we were applying standards  
8 where no fraud was evident, and failing to  
9 provide -- to apply that where maybe some was  
10 possible.

11 But what I hear you saying is a concern  
12 that if we apply additional standards in absentee  
13 voting, that would be an impediment to voting.  
14 And so, I'm weighing this issue in my mind, and I  
15 wanted your comment.

16 MS. VAUGHN: Well, last summer the  
17 state legislature had an interim study committee  
18 on election administration issues, and so, spent  
19 quite a bit of time hearing from interested  
20 parties.

21 And one of the most interesting pieces of  
22 testimony that they took was testimony from county  
23 clerks that the current safeguards that are in  
24 place, theoretically, to restrict absentee by mail  
25 to people who fit into -- I believe it's seven

1 categories: You're homebound, you're taking care  
2 of a person who is homebound, you will be out of  
3 the county on election day, you will be working  
4 for the entire 12 days, it appears that no county  
5 in the state is actually enforcing that.

6 So, we are requiring people to fit into a  
7 very narrow little category to be eligible to vote  
8 absentee, yet there is absolutely no checking up  
9 on whether that is an accurate portrayal of their  
10 situation on election day. So, my general feeling  
11 is laws that aren't being enforced probably  
12 shouldn't be on the book.

13 There are people who will refuse to apply  
14 for an absentee-by-mail ballot because they don't  
15 fit into one of the categories. We don't require  
16 people to have any reason to vote in-person  
17 absentee, so why do we require people to vote  
18 absentee by mail? I just think we need to have  
19 the same standards for everybody for all different  
20 kinds of voting.

21 Now, I will note that absent the in-person  
22 voter fraud that we have not seen yet -- we've  
23 implemented one of the moment restrictive voter  
24 ID's in the country -- we have prosecuted  
25 absentee-by-mail voting. You know, the former

1 Democratic Party Chair of Jennings County,  
2 Indiana, was prosecuted, and basically he pulled  
3 off the scheme that you saw on Netflix. He had  
4 access to the addresses of numerous people who,  
5 for whatever reason, weren't -- he knew wouldn't  
6 be applying for an absentee ballot, so he did it  
7 for them and voted those ballots.

8 I would point out that he was caught, so I  
9 think we have safeguards in place, and he was  
10 caught primarily because the signatures didn't  
11 match. I think we have effective safeguards in  
12 place, so let's utilize those and let's get rid of  
13 barriers that aren't even being enforced.

14 MR. DOUGLAS: On the topic of early  
15 voting, I have a concern about voting that is too  
16 early in terms of all voters having access to the  
17 same information at the time that they cast their  
18 vote. And what I think of in particular was a  
19 Senate race a few years ago, where a candidate  
20 made some statements in that debate very, very  
21 shortly before the election that I think would  
22 have affected the way people voted. And so, how  
23 early -- how early of early voting before we --  
24 before we compromise the integrity of an election  
25 in another direction with regard to uniform

1 information at the time of voting?

2 MS. VAUGHN: You know, I think the  
3 deadlines that are in place make sense, but I do  
4 think it's something that voters, you know,  
5 personally are going to have to make a decision,  
6 "Is this the appropriate time, three, almost four  
7 weeks before the election? Am I prepared with the  
8 kind of information that I'm going to need to make  
9 an intelligent choice?" So, I guess I would say  
10 that the public policies that are in place, I  
11 think, are appropriate, but I think voters need to  
12 decide.

13 You know, it was amazing to me in 2016 the  
14 number of people who seemed to consider the  
15 election this endurance race that they had had  
16 enough of, and if they would -- they just needed  
17 to go cast their ballot because they didn't want  
18 to have to think about the election anymore. I  
19 find it interesting that people are able to turn  
20 off this switch in their brain at a certain point  
21 and not think about the election, because  
22 obviously I'm sort of consumed by it, but there  
23 are people out there able to do that. And so, I  
24 guess I think it has to be a personal decision for  
25 each voter to make.



1                   MS. CLEMENTS-BOYD: Thank you all very  
2 much for being here today and providing such a  
3 wealth of information. We look forward to pro --  
4 if you could provide your written testimonies, I  
5 think that would be helpful, as was suggested.  
6 So, again, if we could thank our panel for being  
7 here.

8                                   (Applause.)

9                   MS. HOYER: Thank you. We'll do our  
10 homework and our assignment.

11                  MR. DION: Thank you so much.

12                  MS. CLEMENTS-BOYD: And we will now  
13 transition to the open comment period. If there  
14 are individuals that are here that would like to  
15 make -- or provide us with testimony or  
16 information, we will allow you to do that. If you  
17 could limit your statement to three minutes, and  
18 we won't be very strict on that, but somewhere  
19 around that would be helpful. And if you could  
20 just state your name for the court record --

21                  MR. HERGET: Sure.

22                  MS. CLEMENTS-BOYD: -- the court  
23 reporter, please.

24                  MR. HERGET: Thank you. My name is  
25 Brandon Herget. I am the Deputy State Director

1 for Sen. Joe Donnelly. Joe could not be here  
2 today, but he wanted to send me, and he has some  
3 prepared remarks that if it's all right, I'll  
4 read.

5 MS. CLEMENTS-BOYD: Sure.

6 MR. HERGET: It should be short, and  
7 I'll just read it.

8 Dear Indiana Advisory Committee to the U.S.  
9 Commission on Civil Rights, when the Supreme Court  
10 struck down the Voting Rights Act preclearance  
11 coverage formula in Shelby County versus Holder,  
12 it undermined a statute which for decades  
13 protected Americans from voter discrimination.  
14 The Voting Rights Act requires jurisdictions that  
15 have a history of voter discrimination to preclear  
16 changes to their voting laws with the Department  
17 of Justice or U.S. District Court for the District  
18 of Columbia.

19 In Shelby County, the Supreme Court  
20 invalidated the coverage formula that determined  
21 which jurisdictions would be subject to the  
22 preclearance requirement. As a result, until  
23 Congress enacts an updated coverage formula, the  
24 Voting Right Act preclearance requirement has no  
25 effect.

1           At the federal level, we need to revitalize  
2   this important protection and help ensure  
3   Americans can exercise the right to vote. In the  
4   Senate, I support the Voting Rights Advancement  
5   Act, which would create a new coverage formula and  
6   restore the full strength of the Voting Rights  
7   Act.

8           Whether it be through the Voting Rights  
9   Advancement Act or another piece of legislation,  
10   Congress needs to have this important conversation  
11   about how to ensure that the Voting Rights Act  
12   provides strong protections for Americans across  
13   the country. When people are denied the right to  
14   vote on a discriminatory basis, our democracy is  
15   harmed.

16           In addition, like many of you, I have been  
17   incredibly concerned that Indiana voters -- excuse  
18   me -- that Indiana's voter turnout in recent years  
19   was among the lowest in the nation. As your  
20   Committee examines concerns regarding access to  
21   voting in our state, I urge you to consider what  
22   more can be done to make voting more convenient  
23   for all Hoosiers and to make it easier to register  
24   to vote.

25           Several years ago, I had the privilege of

1    being able to participate in a civil rights  
2    pilgrimage to Selma, Alabama to mark the 50th  
3    Anniversary of Bloody Sunday.  Joining civil  
4    rights leaders in a walk across the Edmund Pettus  
5    Bridge to re-enact the historic march was a moving  
6    and meaningful experience.  I'm inspired by the  
7    courageous men and women who have fought for the  
8    right to vote and those that continue to fight  
9    today to ensure that meaningful participation in  
10   our democracy is not denied on a discriminatory  
11   basis.

12           Thank you to the members of this Committee  
13   for your participation in the important process of  
14   identifying and understanding barriers to voter  
15   access and participation in Indiana, and I also  
16   want to acknowledge all of you people who have  
17   contributed and give back.  I am hopeful that if  
18   we all work together and continue to be engaged,  
19   we can protect access to the right to vote and  
20   find ways to make it easier for Hoosiers to  
21   exercise this important right.

22           Sincerely, Sen. Joe Donnelly.

23           Thank you.

24           MR. DOUGLAS:  Thank you.

25           MS. CLEMENTS-BOYD:  Thank you so much

1 for bringing that on behalf of Sen. Donnelly.

2 MR. HERGET: And I thank you. I  
3 appreciate that.

4 MS. CLEMENTS-BOYD: Are there others  
5 here that would like to speak at this time?

6 (No response.)

7 MS. CLEMENTS-BOYD: Okay.

8 MS. O'CALLAGHAN: Madam Chair, I also  
9 have a letter from Joe Micon, the Executive  
10 Director of Lafayette Urban Ministry, with some  
11 written testimony. I have an original copy, and I  
12 also have copies for all of the Committee members.

13 MS. CLEMENTS-BOYD: Thank you, and  
14 that will go in the record.

15 MS. O'CALLAGHAN: Thank you.

16 MS. CLEMENTS-BOYD: Thank you so much.

17 I think at this time we will break, and we  
18 will come back at 1:30, where we will hear from an  
19 academic panel. So please, if you are here all  
20 day, again, we will resume at 1:30.

21 - - -  
22 Thereupon, a luncheon recess  
23 was taken at 12:26 o'clock p.m.  
24 - - -

25

MS. CLEMENTS-BOYD: Well, welcome to the Indiana Advisory Committee to the U.S. Commission on Civil Rights. We have had testimony this morning from advocates, from legal professionals, and as you, I'm sure, know, the U.S. Commission on Civil Rights annually is required to submit to Congress a statutory enforcement report.

And this year the Commission chose to study voting rights, and also did request that its Advisory Boards take up the issue as well, and as a result, this Advisory Board voted to study voting rights in Indiana. The U.S. Commission on Civil Rights has studied voting throughout the years since its inception, or when it was voted as part of the 1957 Civil Rights Act, voting rights has been studied. And so, we find ourselves here in 2018 in Indianapolis looking at voting rights in the State of Indiana.

So, we are excited to hear information that you are ready to present, and we will have questions for you following your testimony. We have first with us -- let me just introduce the

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1 entire panel. We have Dr. Bernard Fraga,  
2 Assistant Professor of Political Science at  
3 Indiana University; we also have with us  
4 Dr. Vanessa Cruz Nichols, Visiting Assistant  
5 Professor of Political Science at Indiana  
6 University; and on the end, we have with us  
7 Dr. David Campbell, Professor of Political  
8 Science, University of Notre Dame. And first, we  
9 are going to hear from Dr. Fraga.

10 Dr. Fraga, welcome, and please proceed when  
11 you're ready. And I would ask if everyone would  
12 please speak into the microphone, it will help our  
13 court reporter tremendously.

14 DR. FRAGA: Okay. Thank you very  
15 much. I appreciate the invitation to be here, and  
16 good afternoon to everyone as well. My name is  
17 Bernard Fraga, as was just said, and I'm an  
18 Assistant Professor of Political Science at  
19 Indiana University. My research focuses on  
20 elections and voting in particular, differences in  
21 rates of electoral participation that are  
22 associated with race, age and other kinds of  
23 social identities.

24 So, given my expertise, in my testimony  
25 today I want to provide a sort of lay of the land,

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1 or help us understand the landscape, as it relates  
2 to race, ethnicity and voter turnout.  
3 Specifically, I will outline some of the  
4 continuing disparities that we see, disparities  
5 that historically have fueled scrutiny of election  
6 practices, and perhaps should do so not just in  
7 the South, but also in the Midwest, and perhaps  
8 even in Indiana.

9 So, I'm going to begin -- I have some  
10 slides that I'll be presenting, and I'm going to  
11 begin by presenting data on voter turnout rates  
12 from 1980 to 2016 in presidential elections broken  
13 down by race and ethnicity. So, what you're about  
14 to see is information from a Census Bureau  
15 administered survey, the current population  
16 survey. It's a very large survey that's used to  
17 understand unemployment.

18 But also every two years they do a survey  
19 where they ask people whether they turned out to  
20 vote, and this information is used in a legal  
21 context and was cited by Chief Justice Roberts in  
22 the Shelby v. Holder decision to say that some of  
23 the disparities that we saw historically are no  
24 longer present, and therefore we should revise  
25 some of our voting laws, specifically the Voting



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1 Rights Act.

2 So, first what we see here on the graph,  
3 this is the rate of voter turnout, that's what's  
4 on the side there on the one axis, so the rate of  
5 voter turnout. This is the percent of individuals  
6 reporting that they voted, citizens of voting age,  
7 and I've broken it not down to three racial and  
8 ethnic groups: Non-Hispanic whites, so the blue  
9 line at the top there; African-Americans, Latinos,  
10 and then Asian-Americans, and as you can see, this  
11 data for Asian-Americans does not go quite as far  
12 back.

13 This is national level data and just  
14 presidential elections, and we can see a  
15 substantial variation in rates of voter turnout  
16 from year over year. But I have two things that I  
17 would like to note as it pertains to voting  
18 rights. First of all, since 1980 we've seen a  
19 closure of disparities in participation between  
20 the non-Hispanic white population, this blue line  
21 again, and African-Americans.

22 Just to give you a sense, in 1980, for  
23 example, in the presidential election of that year  
24 at the national level, the rate of voter turnout  
25 for non-Hispanic whites was 66.2 percent, and for

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1 African-Americans it was 53.9 percent. This is of  
2 eligible citizens, voting-age citizens. So, a  
3 substantial disparity there of ten percentage  
4 points, more than ten percentage points.

5 And for the 2008 and 2012 elections, and  
6 for 2012 especially, we see that African-American  
7 voter turnout nationally might have exceeded  
8 non-Hispanic white voter turnout for the first  
9 time on record, and this was noted, and noted by  
10 Chief Justice John Roberts as well, in saying that  
11 many of these disparities we saw historically have  
12 closed.

13 Now, what was not noted and what is  
14 striking when looking at this chart is that while  
15 there has been a closure of the gap in voter  
16 turnout between African-Americans and non-Hispanic  
17 whites nationally, for Latinos and Asian-Americans  
18 disparities have persisted, and if anything, might  
19 have even gotten worse over the years in  
20 presidential elections.

21 We see rates of voter turnout for Latinos  
22 and Asian-Americans -- and again, this is  
23 accounting for citizenship, this is just among  
24 citizen Latinos and citizen Asian-Americans of  
25 voting age -- 20 percentage points lower rates of

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1 voter turnout for Latinos and Asian-Americans  
2 nationally, as compared to non-Hispanic whites.

3 In addition, in the most recent  
4 presidential election, 2016, we saw a reopening, a  
5 kind of widening of the gap between non-Hispanic  
6 whites and African-Americans, again, as well,  
7 nearly a five-percentage-point -- or over a  
8 five-percentage-point disparity between black and  
9 white voter turnout. So, again, saying that while  
10 many of these disparities that we thought were  
11 resolved in our historic 2008 and 2012 elections  
12 might have come back again in 2016.

13 And this is for presidential elections, and  
14 often data that's cited is for presidential races,  
15 very salient, many voters are aware of what's  
16 going on. But if we look at the Midwest only, so  
17 only looking at the Midwest, and here I'm calling  
18 the Midwest part of the census definition of -- I  
19 believe it's east, north, central states, so  
20 Wisconsin, Illinois, Indiana and Michigan are  
21 included in this measure, we see some patterns  
22 that are similar.

23 First of all, the disparities between white  
24 and black voter turnout, not as severe.  
25 Historically this is just going back to 1980, but

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1 prior to that as well. And in 2016, we see the  
2 same kind of widening of turnout disparity, as the  
3 black and white turnout disparity is even more  
4 severe in the Midwest.

5 But once again, though, there's a big  
6 difference between Latino and white voter turnout,  
7 and Asian-American and white voter turnout, again,  
8 after accounting for citizenship, quite  
9 substantial in the Midwest, too. This is not just  
10 a phenomenon of the historical South, this is a  
11 phenomenon we see in the Midwest as well, saying  
12 an area that hasn't been studied quite as much in  
13 terms of voting rights, but we see substantial  
14 disparities in political participation, which we  
15 know if you're not voting, then you can't  
16 translate that into political power. So, it's  
17 certainly something worth thinking about.

18 Now, this is in presidential elections,  
19 again, some of the same patterns that we saw with  
20 the national data in the Midwest. But if we look  
21 at midterm elections -- and these are very  
22 important; we have a midterm election coming up,  
23 and this is where much of the political power is  
24 vested in Congress. All of the seats of the House  
25 of Representatives are up, in addition to many

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1 statewide elections, and about a third of the  
2 Senate is up every year.

3         So, midterm elections do matter, not just  
4 presidential contests, and here nationally we  
5 continue to see substantial disparities year over  
6 year in rates of voter turnout for  
7 African-Americans compared to whites, and, of  
8 course, for Latinos and Asian-Americans compared  
9 to whites. Voter turnout has been declining year  
10 over year in midterm elections. There are many  
11 reasons behind that, but the big point here is  
12 that for African-Americans, for Latinos and for  
13 Asian-Americans, we saw some of the lowest rates  
14 of voter turnout in our most recent midterm  
15 election.

16         And this is true in the Midwest as well,  
17 where we see substantial disparities, especially  
18 between Latino voter turnout-white voter turnout  
19 and the Asian-American voter turnout-white voter  
20 turnout in the Midwest alone. But again, in 2014,  
21 a kind of widening of the gap between black and  
22 white voter turnout. So, some of the specific  
23 numbers here that I think are worth noting, for  
24 example, in the 2006 midterm election, white  
25 turnout was the highest it had been since the

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1 1980's. African-American turnout was nowhere near  
2 that rate.

3           However, just looking at the Midwest again,  
4 in the 2006 midterm election, well non-Hispanic  
5 white voter turnout was 53.6 percent, again,  
6 citizen, voting-age whites, where  
7 African-Americans in the 2006 midterm election was  
8 only 48 percent, so a substantial gap there,  
9 nearly eight percentage points.

10           And in 2016 we saw a disparity that's  
11 perhaps on the order of five percentage points  
12 between African-American and white voter turnout,  
13 again, nowhere near the differences in turnout we  
14 see, where for Latinos and for Asian-Americans,  
15 it's, you know, just over half the rate of voter  
16 turnout. Half the rate of voter turnout for  
17 Latinos and Asians versus whites in the Midwest.

18           Now, this is data, as I said, that's from a  
19 very -- you know, the largest voter survey we've  
20 run on voter turnout nationally. It's run by the  
21 census in coordination with the Bureau of Labor  
22 statistics, and it's a very useful survey, 150,000  
23 people polled nationwide every election year, and  
24 this is basically the best data that we've had  
25 historically, going back in time.

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1           However, as academics, when we study voter  
2 turnout, we know there are a number of problems  
3 with these statistics. There's problems with even  
4 the best statistics that we have, going back in  
5 time. This uses self-reports by citizens. It is  
6 citizens reporting that they voted, and we know  
7 that because voting is very important, people  
8 might misstate how much they voted, because we  
9 have a lot of research to suggest that is the  
10 case, so this might not necessarily be a reliable  
11 set of measures.

12           In addition, the relatively small sample of  
13 minority voters -- that is, nonwhite voters -- is  
14 especially acute in certain states. For example,  
15 in Indiana we have less than a hundred polled  
16 minority voters in the current population survey  
17 in a given election year, so that means that our  
18 statistics are going to be even more reliable,  
19 potentially, when looking at the regional or even  
20 state level.

21           And this is an issue that is particularly  
22 acute, as I said, in states with a relatively  
23 small minority population, like in Indiana,  
24 where 80 percent or more of potential voters are  
25 non-Hispanic white. So, we have to be very

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1 cautious and we can't actually use surveys like  
2 this to study state or substate dynamics, and  
3 that's an important kind of blind spot in  
4 understanding issues like, you know, voting rights  
5 issues, because we just don't have the information  
6 and we haven't had the information historically.

7         So, as an alternative, the research that I  
8 do often relies on what's termed "voter files."  
9 So, voter files are state- and county-maintained  
10 lists of registered voters, with individual level  
11 turnout data appended. So, when you register to  
12 vote, as many of you know already, that's public  
13 record, that's something that I can look up.

14         If you're registered to vote in a rural  
15 county, like I am, in Bloomington, I can go to the  
16 County Registrar of Voters and say, "Let me look  
17 at the list of registered voters." This is what  
18 campaigns use to do their very fascinating  
19 targeting. But the point there is that this can  
20 also be a useful tool to understand disparities in  
21 participation.

22         Specifically, this is the official count of  
23 voters. When you show up to vote in a polling  
24 place or mail in a ballot, the county that records  
25 poll worker support in the county preserves



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1 information on whether you voted or not. So, it's  
2 not self-reporting, it's the official record of  
3 who turned out to vote.

4 In addition, we can use statistical models,  
5 which I'm happy to talk about in the question and  
6 answer, to understand and estimate an individual  
7 level of race and ethnicity using census data.  
8 Using the official records, we can estimate race  
9 and ethnicity, as has been done with other  
10 techniques.

11 We can also look at patterns at the state  
12 and substate level using voter file data, because  
13 it's individual level. We can aggregate that to  
14 whatever level we prefer, and therefore understand  
15 rates of voter turnout here by race and ethnicity,  
16 getting much more in depth than just looking  
17 nationally or for a region like the Midwest.

18 So, what I'm going to present to you are  
19 statistics about disparities in voter turnout,  
20 differences in voter turnout by race and ethnicity  
21 in the State of Indiana, since that's the topic  
22 we're interested in here, something we can't do  
23 with surveys, but we can do perhaps with voter  
24 file information. So, we're going to be looking  
25 at the three most recent presidential elections,

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1 and the patterns are similar for midterm  
2 elections, perhaps more severe in terms of the  
3 disparities.

4 And I'm breaking this down by the four  
5 counties with the largest share of nonwhite voters  
6 in the state: That is, Marion County,  
7 Indianapolis; Lake County, with Gary and East  
8 Chicago; St. Joseph County, South Bend and  
9 Mishawaka; and Allen County, with Fort Wayne, and  
10 then I'll provide statistics for the rest of the  
11 state, all of the other counties aggregated  
12 together.

13 So, these are rates of voter turnout broken  
14 down by race and ethnicity in our three most  
15 recent presidential elections. They're shown by  
16 W, B and L, representing non-Hispanic whites;  
17 African-Americans or black voters; and Latinos or  
18 Hispanic voters as well. And again, this is  
19 turnout of the voting-age citizen population using  
20 census data and voter file information.

21 So, I'll start with whites. We see,  
22 looking across counties in Indiana, and for the  
23 rest of Indiana, where we don't have as detailed  
24 of data, rates of voter turnout that in the  
25 presidential elections are in the upper 50's to

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1 mid 60's. Not much variation across counties  
2 here, either.

3 For example, in Marion County in 2008, we  
4 saw white voter turnout at 64 percent, that was  
5 relatively high voter turnout here, statewide and  
6 nationally, and it declined to 58 percent in 2012,  
7 but then increased again to 61 percent in our most  
8 recent presidential election. And for example,  
9 St. Joseph County, my home county, 66.6 percent of  
10 whites turned out to vote according to voter file  
11 estimates, 62 percent in 2012, and 63 percent  
12 in 2016. So, some variation in turnout, but not  
13 very much.

14 Now, looking at African-American voter  
15 turnout in Indiana specifically, again, we see  
16 disparities that are perhaps more severe than what  
17 survey data for the Midwest or nationally  
18 suggests. So, in Marion County, for example,  
19 Indianapolis, the county with the largest  
20 African-American population, 28 percent of  
21 eligible voters in 2016, African-American in  
22 Marion County.

23 We see lower rates of voter turnout in  
24 the 2008 election versus whites, 57.7 percent, a  
25 gap that continued in 2012, 52.6 percent of

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1 African-Americans turned out to vote, and then a  
2 gap that widened quite substantially in 2016, with  
3 less than half of African-Americans eligible  
4 turning out to vote in Marion County, 47.4 percent  
5 voter turnout for African-Americans in Marion  
6 County, again, versus 61.3 percent voter turnout  
7 for non-Hispanic whites in Marion County.

8           And this pattern is repeated in other large  
9 counties in the state. Lake County, we see the  
10 same disparities again growing, in the 2016  
11 elections at nearly ten points, and in St. Joseph  
12 County, again disparities, where only 36.9 percent  
13 of African-Americans in St. Joseph County,  
14 primarily concentrated in South Bend, of course,  
15 turned out to vote in 2016.

16           Allen County, Fort Wayne, 34.7 percent of  
17 African-Americans turned out to vote in 2016,  
18 again, versus 62 percent of non-Hispanic whites.  
19 Big disparities there, disparities there, even  
20 more severe in counties with a relatively small  
21 African-American population, areas where  
22 African-Americans not elected to office. Perhaps  
23 other voting rights issues to investigate there as  
24 well, the disparities are even larger.

25           And then, of course, with Latinos, again

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1 looking only at citizen Latinos -- those are the  
2 only ones eligible to vote, of course -- of voting  
3 age, substantial disparities that are even more  
4 severe. In 2016, only 29.8 percent, according to  
5 voter file and census estimates, of eligible  
6 Latinos turned out to vote in Marion County.

7 Rates of voter turnout for Latinos are  
8 somewhat higher in Lake County. Lake County has  
9 the largest Latino population in the state in  
10 terms of a percentage. Let me make sure I have my  
11 statistics correct here. Yes, 15 percent of Lake  
12 County eligible voters are Latino; that is,  
13 voting-age citizen voters. There, Latino turnout  
14 in 2016 was 42 percent, but in St. Joseph and in  
15 Allen County, below 30 percent voter turnout for  
16 eligible Latinos in our most recent presidential  
17 election, a pattern that was mirrored in 2012, and  
18 to the same degree in 2008.

19 So, we can translate these disparities to  
20 understand them more clearly relative to white  
21 voter turn out, what was African-American, what  
22 was Latino voter turnout? There we go. Here we  
23 can see the turnout gaps, the turnout disparities  
24 for African-Americans and Latinos, holding white  
25 turnout as kind of the baseline. And this is

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1 interesting for a number of reasons.

2 I'll just point first to African-American  
3 voter turnout. As I suggested and as statistics  
4 suggested, disparities increased in the 2016  
5 election versus 2012 and 2008. Marion County,  
6 according to voter-file based estimates and using  
7 census data again to estimate individual race, a  
8 voter turnout disparity of 14 percentage points,  
9 14 percentage points lower voter turnout for  
10 African-Americans in Marion County, and this  
11 disparity was only 6.4 percent in 2008.

12 In Lake County, rates of voter turnout  
13 between African-Americans and whites were nearly  
14 even in 2008, only a 0.6-percentage-point  
15 difference, so nearly even, but by 2016, that  
16 disparity had grown to nearly ten percentage  
17 points, 9.2 percentage points, in fact. And in  
18 other counties, in St. Joseph County, for example,  
19 a gap that was already rather large, 20 percentage  
20 points, grew to 26 percentage points, and in Allen  
21 County, it grew to 27 percent points from about 20  
22 percentage points in 2008.

23 In the rest of the state, we can see these  
24 gaps are even larger, once again pointing to the  
25 importance of understanding perhaps voting rights

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1 issues that might be occurring outside of these  
2 large major counties, but these disparities are  
3 severe enough to warrant increased attention in  
4 these large counties as well, implying that in  
5 terms of voting rights, and specifically in  
6 Indiana, and even in counties with the largest  
7 share of minority voters, we're continuing to see  
8 disparities.

9           These disparities are even larger for  
10 Latinos, as I mentioned. They haven't grown quite  
11 as much over time. If anything, it looks like  
12 some of these might have been resolved in our most  
13 recent presidential election, or become smaller  
14 somewhat, but still we're talking about 20- to  
15 30-percentage-point disparities in Latino turnout  
16 versus non-Hispanic white voter turnout in our  
17 largest counties, a gap that grows to nearly a  
18 40-percentage-point disparity in voter turnout.  
19 A 40-percentage-point difference in voter turnout  
20 between Latino and non-Hispanic white voter  
21 turnout in counties with a relatively small Latino  
22 population.

23           So, I'm happy to talk more about the  
24 statistics and how they're generated in the Q & A  
25 session, but what I think this points to, to

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1 conclude, is persistent and growing disparities in  
2 voter turnout by race and ethnicity nationally, in  
3 the Midwest, but also in Indiana, even in the  
4 counties with the largest percent of minority  
5 voters, even where we've seen substantial change  
6 in representation for minority voters. So, these  
7 racial and ethnic turnout disparities persist, as  
8 I said, and perhaps are growing in recent  
9 presidential elections.

10 Now, in terms of voting rights, we might  
11 ask whether there are specific policies that  
12 produce and perpetuate these disparities. These  
13 are just statistics that, again, give a lay of the  
14 land to understand where the disparities exist and  
15 where we might want to pay more attention, but we  
16 know that, for example, there have been cutbacks  
17 to early voting in some counties in Indiana that's  
18 a county-mandated policy. Counties set how many  
19 early voting centers exist, and we know that there  
20 were cutbacks in 2012 and 2016 in Marion County,  
21 for example, and we see disparities in voter  
22 turnout at that same time, so this warrants  
23 attention perhaps.

24 Also issues like precinct consolidation and  
25 polling place consolidation that became -- so,



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1     like in Lake County, with a large Latino and  
2     African-American population, we see disparities in  
3     participation continuing there, perhaps growing  
4     there, so increased attention on the impact of  
5     those policies is likely warranted.

6             And finally, Indiana is one of seven states  
7     with a strict photo identification requirement in  
8     place since 2008. Again, the statistics are not  
9     pointing to a causal impact of those policies, but  
10    other research on the national level suggests that  
11    they may impact disparities in voter turnout,  
12    perhaps exacerbating minority versus white  
13    disparity in voter turnout that we see. And in  
14    Indiana, since we see these disparities as well,  
15    it might warrant increased attention to these  
16    policies and their impact on participation.

17            So, to me, what this also points to is a  
18    unique kind of methodological the research problem  
19    that might obscure some of the voting rights  
20    disparities that we see, some of the problems we  
21    see, which is that we can't just rely on national  
22    statistics to point to problems being resolved,  
23    maybe not even regional data. We need to get to  
24    the state and perhaps even substate level to  
25    understand where these disparities exist, and not

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1     assume that all of the issues that we talk about  
2     from the 1960's have been resolved. Statistics in  
3     fact demonstrate that there are substantial  
4     disparities in white versus minority voter  
5     turnout, disparities that might be linked to the  
6     policies that we know historically have been used  
7     to disenfranchise minority voters.

8             That's the presentation I have for you  
9     today, and I look forward to your questions.  
10    Thank you very much.

11            MS. CLEMENTS-BOYD: Thank you so much,  
12    Dr. Fraga.

13            Now we will hear from Dr. Cruz Nichols.  
14    Welcome, and please proceed when you're ready.

15            DR. CRUZ NICHOLS: Sure. Thank you.

16            Good afternoon, everyone. Thank you so  
17    much for having me here. I'm excited to talk to  
18    you all today about civic engagement, and near the  
19    end I will also tie in some of the voter  
20    intentionality results that I have through my  
21    dissertation work and co-authored work that I have  
22    with other colleagues, but first, I just want to  
23    give you a quick overview of what I mean by civic  
24    engagement and the potential paralyzing effects of  
25    threatening environments.

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1           So, my research in political science has  
2   focused a whole lot on the political psychology  
3   behind what it means to feel like a deserving  
4   member of a polity, and so, some of my work has  
5   focused on, for example, the spillover effects of  
6   threatening political environments, those  
7   spillover effects of particular policies that  
8   maybe enforcing restrictions or maybe enforcing  
9   deportations impact people's levels of trust in  
10   government.

11           So, there's this piece by Rocha, Knoll and  
12   Wrinkle in 2015 where they're looking at trust in  
13   local government as well as trust in federal  
14   government as it relates to the amount of  
15   deportations in one's county, and they looked at  
16   that among Latino and white respondents.

17           And there's this sort of redistribution  
18   story that takes place, where in areas of greater  
19   enforcement and greater deportation is increasing  
20   level of trust that white participants have  
21   towards their local and federal government.  
22   They're seeing deviant members of society, those  
23   that are seen as undocumented and illegal, being  
24   deported, and they are rewarding their government  
25   by trusting their government more.

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1           However, the redistribution story comes in  
2   among Latino respondents, and that's both for  
3   Latino native-born respondents as well as  
4   foreign-born respondents, who are experiencing  
5   more cynicism as a result of these deportations,  
6   especially surprising because these populations  
7   are actually initially more trusting of our local  
8   and federal governments, but when introduction of  
9   deportations in their counties increases, suddenly  
10  their trust decreases, and it can help us perhaps  
11  explain the disengagement that we see in these  
12  communities. So, keep that in mind as we kind of  
13  continue to evolve in this presentation.

14           So, my work that has been published has  
15  looked at how there are potential spillover  
16  effects from an immigration enforcement  
17  environment into people's trust in government  
18  health agencies, and so, again, that is just to  
19  reiterate that there are these spillover effects  
20  of one policy domain to another.

21           And the policy makers need to keep that in  
22  mind when they're thinking about the potential  
23  unintended consequences of policies that emphasize  
24  enforcement, and that in turn they're actually  
25  deterring people from health agencies and health

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1 promoting organizations. Trust is essential in a  
2 healthy democracy, both for voting rights and for  
3 practicing one's full citizenship in other forms  
4 of daily life behaviors.

5 So, the takeaway from the initial portion  
6 of my presentation is going to be that one's sense  
7 of belonging matters for democracy, and policies  
8 signal one's sense of belonging. And I would go  
9 so far as to say that not just policies, but  
10 policy proposals signal one's sense of belonging  
11 in an American democracy.

12 The second portion of my presentation is  
13 going to go over the often crisis-oriented  
14 mobilizing messaging that advocacy groups use to  
15 turn out the vote, and so, that is often  
16 committing a disservice to minority groups in  
17 particular, because they might be signaling too  
18 much of a sense of threat in their environment,  
19 consequently leading people to take away a sense  
20 of fear and a sense of caution, and they could be  
21 potentially scared stiff and unable to mobilize,  
22 unable to vote if they're only told about the  
23 crisis or only told about the threatening policy.

24 So, the takeaway from that second portion  
25 of the presentation is going to be that a sense of

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1 efficacy matters for collective action, and for  
2 voting rights in particular. So, that's the  
3 second portion of the presentation. So, we again  
4 want to strive for a more healthy democracy, one  
5 in which all members of our community feel that  
6 they belong and are able to exercise their  
7 complete citizenship access.

8           Okay. So, going back to this idea that  
9 policies send signals, policies educate the  
10 populace. This is known as an interpretive policy  
11 effect, where policies impart lessons of  
12 deservingness. And so, Schneider and Ingram have  
13 established a lot of work on this, where a policy  
14 such as, for example, the GI Bill would signal a  
15 sense of deservingness to a military veteran to  
16 seek -- to be able to qualify for education  
17 benefits. Again, it should signal a sense of  
18 deservingness, a positive takeaway.

19           Head Start programs are telling us about,  
20 you know, our children being valued in this  
21 country and their education being a priority. The  
22 same goes with Social Security and health care  
23 access in signaling to the particular opportunity  
24 that qualifies for those benefits that their  
25 health care and their well being matters to this

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1 country.

2 Those policies that might signal a burden  
3 or a sense of undeservingness would fall within  
4 the realm of surveillance and policing, for  
5 example. So, policies such as stop-and-frisk and  
6 "Show me your papers," immigration rates, these  
7 kinds of policies are punishing particular  
8 community members and, again, signaling a sense  
9 that they do not belong in a particular area, and  
10 it's often related to criminalizing a community.

11 And one of the prime examples of the kind  
12 of policy that signals undeserving lessons would  
13 be a secure communities program, which was  
14 especially heavily enforced after 2008 and is now  
15 being again reinvigorated under President Trump.  
16 This policy allowed for both local police and  
17 federal immigration agents to collaborate more  
18 closely with their electronic databases.

19 And so, if somebody was pulled over in a  
20 locale, so that they're in a particular city,  
21 local police force agents could help enforce  
22 immigration policy by detaining these people in  
23 their facilities longer than what they may have  
24 done previously. And so, by collaborating with  
25 the -- not only the FBI, but also ICE agents, that

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1 could expedite some of the deportation process.

2           And so, that's the basic background of the  
3 secure communities program. The emphasis was to  
4 deport high-priority criminals, meaning those that  
5 were committing violent crimes in society, but as  
6 it turns out, the types of people that were  
7 deported, the majority of them, 80 percent of  
8 them, are coming from nonviolent backgrounds, and  
9 so, they're being deported for things like not  
10 having driver's licenses and traffic violations.

11           And so, this kind of policy program really  
12 signaled a sense of undeservingness to immigrant  
13 communities, and Latino communities more broadly  
14 speaking, that their community needed to be  
15 questioned about whether they were truly abiding  
16 citizens in our polity.

17           So, with that background information, I  
18 want to present to you all an experiment that my  
19 team and I ran. This has been published in the  
20 Journal of Health Politics, Policy and Law  
21 in 2017, and what we did was we randomized  
22 participants to a situation where they read about  
23 either health insurance or they read about  
24 immigration issues, and that -- those were the two  
25 word differences in the experimental condition.



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1           We relied on a sample -- a national  
2       representative sample of Latino respondents, and  
3       this was conducted both via the Web as well as by  
4       phone, and participants could choose to see the  
5       survey in either Spanish or hear it in either  
6       Spanish or English.

7           And so, you would imagine that, again, with  
8       the previous conversation that we just had about  
9       interpretive policy effects, a health insurance  
10      scenario would prime a sense of belonging and  
11      should promote a sense of benefits, whereas  
12      immigration issues and the topic of immigration  
13      should trigger a sense of worry about potential  
14      burdens or enforcement that could affect one's  
15      family.

16          So, what we found -- what we focused on  
17      were the different forms of participation and  
18      engagement. The initial question asked, you know,  
19      "When you're thinking about making an appointment  
20      to see a doctor or a nurse or going to a clinic  
21      for health care, with all of the attention to,"  
22      and then the two word scenario changes, "are you  
23      more likely to use health care services, less  
24      likely, or has it not made a difference?"

25          And the kind of behaviors that we looked at

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1 were not only whether they said "yes" or "no" to  
2 being likely to make a health care appointment, we  
3 looked at whether they avoided daily life  
4 activities, things that we should care about,  
5 whether we're politicians or whether we're  
6 mobilizers, activists or not, things like talking  
7 with school teachers or school officials, talking  
8 to police and reporting crime, and then finally  
9 visiting a doctor or a clinic.

10           The possible ways in which, you know, our  
11 results might be heightened, we expected them to  
12 be heightened among people who knew somebody that  
13 was undocumented, we expected our results to be  
14 heightened among people who knew somebody that had  
15 been deported, as well as those who were living in  
16 more restrictive immigration policy enforcement  
17 areas.

18           So, you know, we want you to keep that in  
19 mind as we explain our results. These are the  
20 folks that are most concerned about immigration  
21 policy, and I remind you that our sample included  
22 both immigrant and nonimmigrant respondents, but  
23 they were all U.S. citizens or resident -- legal  
24 residents, so they personally are not affected by  
25 deportation policies.

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1           So, as it turns out, we found that in terms  
2 of avoiding daily life activities, it was in fact  
3 the immigration issues condition that prompted a  
4 more -- a greater willingness to avoid that  
5 activity. So, as people jump up on this scale,  
6 that means they were more likely to avoid those  
7 activities.

8           So, there really isn't as much of a  
9 difference when it comes to looking at people's  
10 responses to talk to school officials whether they  
11 were in the health insurance condition or  
12 immigration issues condition. There is a small  
13 difference between those seeking a health care  
14 appointment or attention in a clinic if they were  
15 in either the immigration issue or the health  
16 insurance condition. The immigration issues are  
17 the points that are much more dark and emboldened.

18           And then finally, in the police condition,  
19 when we asked them about whether they were willing  
20 to report crime to police, the immigration issues  
21 condition made people avoid doing so in a much,  
22 much greater rate. So, the difference there is  
23 about 15 percentage points -- I'm sorry -- six  
24 percentage points where they were more willing to  
25 avoid reporting crime to police.

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1           And in terms of people -- so, that's with  
2   our full sample, but if we look at differences  
3   between those who are in welcoming or more  
4   expanded immigration policy environments versus  
5   those who are in more restrictive immigration  
6   policy environments, our results are much more  
7   stark.

8           And so, you see that in terms of the  
9   reporting crime to police, which is the finding  
10  all of the way to the right, that gap is much  
11  greater among those who are in the immigration  
12  issues condition, so they're thinking of that kind  
13  of policy scenario where they're seen as a less  
14  deserving group. They're thinking about  
15  immigration issues, an area that is threatening to  
16  Latino communities. They are more going to avoid  
17  reporting crime to police.

18          These results, again -- we -- okay. So,  
19  this is whether they knew somebody that was  
20  undocumented or not, highlighted on the right end  
21  of those graphs, and knowing somebody  
22  undocumented, which is all of the way to the  
23  right, in fact also shows a much greater gap in  
24  the willingness to seek a health care appointment  
25  or report crime to police.

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1           So, those concerns of a threatening  
2     environment are driving people's reticent behavior  
3     and they're disengaging more. And this is whether  
4     they knew somebody deported or not. Again, the  
5     results are more magnified all of the way to the  
6     right.

7           Okay. So, in the main question where we  
8     asked them whether they were willing to seek a  
9     health care appointment with a medical  
10    professional or not, our results were, again, much  
11    more -- so, the initial total experiment  
12    difference of the full sample, there isn't as huge  
13    of a difference, but if we look at it by whether  
14    they were in the welcoming or unwelcoming policy  
15    environment, the results jump much more  
16    dramatically, and so, people are more going to  
17    deter, by 12 percentage points, from their -- from  
18    seeking a health care appointment if they're in a  
19    restricted immigration policy environment.

20          Okay. So, in summary, the first part of  
21    the presentation is that cautious citizenship is  
22    one where participants are actively assessing  
23    whether to engage or disengage from particular  
24    encounters with our institutions and our policy  
25    infrastructure, which oftentimes takes away -- it

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1 really -- we wonder what effects this has on  
2 community policing efforts.

3           So, if people are reading a scenario where  
4 they're interacting with police as very  
5 threatening, then we have to again remember that  
6 with the level of crime that we're seeing reported  
7 in these communities and the efforts in which  
8 people are making to create safer communities are  
9 being undermined by restrictive immigration policy  
10 environments that are taking away lessons and  
11 signaling to people that they do not deserve --  
12 that they are not deserving members of the polity  
13 and that they are not valued as those members.

14           So, finally, what do we do in this kind of  
15 scenario? In a threatening political environment,  
16 how can we empower communities not to cower away  
17 from exercising their political voice and voting?  
18 So, my dissertation focuses on the use of both  
19 threat and opportunity messages.

20           So, generally, mobilizers tend to alert  
21 people to a crisis and a situation that they  
22 should be aware of, as to why they should hold an  
23 elected official accountable, somebody who's  
24 proposing a policy that's going to take away your  
25 benefits, therefore the world will implode if you

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1 do not take action. That's the typical kind of  
2 message that people receive. So, the sort of fire  
3 alarms are rung.

4       However, oftentimes by not pointing to  
5 possible opportunities and policy changes that  
6 could improve the status quo from one where people  
7 do not see any reason to feel a sense of possible  
8 gain if they expend their efforts to get involved.  
9 So, they're only threatened if they see a  
10 possibility of loss.

11       If they're both threatened and given a  
12 sense of possible policy opportunities that could  
13 help improve the status quo of their group, then  
14 they are challenged and they are able to better  
15 cope with the threat that they will be deported,  
16 so they see a potential for gain as well as loss  
17 if they don't get involved.

18       So, what I relied on was a national  
19 representative sample -- or I'm sorry -- a  
20 convenient sample of an on-line survey with a  
21 thousand Latino respondents in both English and  
22 Spanish. I randomized participants to receive  
23 messages that only emphasized a threat or a policy  
24 scenario that should trigger a sense of threat,  
25 those who received only messages that were

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1 pointing to a possible policy opportunity, and  
2 then finally, those who received both.

3 I also replicated my findings with  
4 statistical data from the American National  
5 Election Study in 2008 and 2012 with a national  
6 representative sample of Latinos across the United  
7 States, and that involved looking at the intent to  
8 vote as well as talking to other friends and  
9 family members about politics. So, I'm only going  
10 to highlight the experimental results here, but  
11 just know that I did replicate my findings with a  
12 national representative sample in my dissertation  
13 work. So, I'll give that to you all.

14 So, finally, these are the four conditions  
15 that respondents were exposed to: Threat only,  
16 opportunity, or both coupled, threat and  
17 opportunity, and I expected that those were  
18 exposed to both a sense of loss and possible gain,  
19 or more willing to engage in politics. And I  
20 found -- so, I focused on the intent to march,  
21 talk, volunteer, as well as vote, and finally, an  
22 observed measure of whether they sent an  
23 electronic postcard to the U.S. Senators.

24 Just to go over this really briefly, my  
25 findings here emphasize that it's in the coupled



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1 condition that people are more willing to say that  
2 they are wanting to join a march, that they are  
3 wanting to talk about politics with their friends  
4 and family, and are overall affected by those  
5 three forms of participation: Marching, talking  
6 and volunteering.

7 That, again, the coupled condition is what  
8 is driving people's willingness to want to  
9 participate in these forms of political behavior,  
10 and the threat condition is not -- although it's  
11 positive, it's not reaching statistical  
12 significance, so it's not enough to just point to  
13 the crisis or the problem.

14 And this is the visual representation of  
15 those findings, so here, again, you'll find that  
16 the coupled condition is significant from the  
17 controlled condition, and it is driving greater  
18 rates of participation.

19 For the measure of contacting an elected  
20 official, you'll see that the coupled message, the  
21 height column there, is what -- is the message  
22 that is triggering the most number of postcards  
23 that are sent to their elected official, and that  
24 is by state, and this is the actual graphical  
25 interpretation of my experimental results.

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1           Here there's a ten-percentage-point  
2   difference, nearly, among those participants that  
3   were exposed to both the threat and opportunity  
4   message, and this is making them more willing to  
5   send a postcard. So, you can imagine that with  
6   most -- more intense forms of mobilization, we  
7   could help people get past that threshold of being  
8   too worried about whether their vote or their  
9   voice matters. These were simply on-line survey  
10  screens.

11           So, just to recap, the spillover effects of  
12  threatening political environments matter. They  
13  carry away lessons for a community, so whether  
14  they belong or not, and crisis-oriented  
15  mobilization message are -- messages alone are  
16  doing us a disservice, and we should consider the  
17  possible sense of efficacy that people are walking  
18  away with if they feel that they can't make a  
19  change. When their environment is only  
20  threatening, that's very problematic, as people  
21  are unable to then engage and unable to hold their  
22  elected officials accountable.

23           Thank you.

24           MS. CLEMENTS-BOYD: Thank you so much,  
25  Dr. Cruz Nichols.

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1 (Discussion off the record.)

2 MS. CLEMENTS-BOYD: Okay.

3 Dr. Campbell, welcome, and when you're ready,  
4 please proceed.

5 DR. CAMPBELL: Well, let me begin,  
6 first of all, by thanking all of you, members of  
7 this Committee, and let me also thank, even though  
8 they're not -- of course, not all here now, the  
9 other folks who have testified and will testify  
10 today.

11 Today I'm going to talk about young people,  
12 kids these days, but in general, what I studied is  
13 why people do stuff like this. Why do they get  
14 together in order to improve our civic lives? And  
15 I know this is no small thing for you to serve on  
16 a committee like this, and it's no small thing for  
17 the League of Women Voters and similar  
18 organizations to come and give their time and  
19 their expertise. So, I'm grateful for all of  
20 that.

21 And I'm grateful for my fellow panelists.  
22 As you've seen, you have heard from some of the  
23 top scholars, rising stars studying these  
24 questions, and it's a real credit, frankly, to the  
25 State of Indiana that both of them are affiliated

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1 with Indiana University. And I'm a Notre Dame guy  
2 and I'm acknowledging that, so you can take that  
3 one and note it.

4 As I said, today I want to talk about kids.  
5 Kids these days; right? We all want to complain  
6 about kids these days, and, you know, there are  
7 dueling public images of young people. On the one  
8 hand, we've probably all at some point complained  
9 about, lamented, the apathy, and especially the  
10 political, civic apathy of young people. We  
11 characterize them as being disengaged, staring at  
12 their phones and snapping or whatever they do with  
13 each other.

14 But on the other hand, we have this other  
15 image, and we've all witnessed this over the last  
16 few weeks as the country has been captivated by  
17 these young people from Parkland, Florida who have  
18 demonstrated a tremendous capacity for political  
19 involvement and an incredible level of just being  
20 articulate, speaking out on behalf of a cause that  
21 has obviously touched their lives.

22 And so, today I want to try and kind of  
23 reconcile those two images and ask the question of  
24 whether young people will vote, and specifically,  
25 will they be informed as voters? That's the thing

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1 I want to focus on today is, what is it that young  
2 people know?

3 Now, there are many, many factors that can  
4 spur political engagement and political knowledge  
5 among young people. We know that what goes on  
6 within the walls of their homes matters. We know  
7 that what goes on inside their churches and  
8 mosques and temples, that matters. We know that  
9 the clubs and the groups they belong to, that  
10 matters. We even know that the social media that  
11 so consumes them can matter.

12 But the one I want to focus on today is the  
13 one that is most likely to be affected by public  
14 policy, and that is what happens inside our  
15 schools. So, when I refer to civic education,  
16 which will be a recurring term that I'll come back  
17 to again and again, I'm referring to, again, what  
18 happens inside our schools.

19 Now, I'll begin by noting that there is  
20 widespread consensus that our schools ought to  
21 provide a civic education. There are many state  
22 constitutions, including that of the Great State  
23 of Indiana, that justify common or public schools  
24 by a reference to those schools' civic purpose.  
25 That was mentioned earlier by Christopher Douglas,

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1 I think, in the previous session.

2 But just to underscore that point -- I know  
3 you all have this committed to memory, but just in  
4 case you haven't, Article 8, Section 1 of the  
5 Indiana State Constitution says, "Knowledge and  
6 learning, generally diffused throughout a  
7 community --" and this is a critical  
8 line "-- being essential to the preservation of a  
9 free government; it [should] be the duty of the  
10 General Assembly to encourage, by all suitable  
11 means, moral, intellectual, scientific, and  
12 agricultural improvement; and to provide, by law,  
13 for a general and uniform system of Common  
14 Schools, wherein tuition shall be without charge,  
15 and equally open to all." "Knowledge and  
16 learning, generally diffused throughout a  
17 community, being essential to the preservation  
18 of...free government."

19 Now, I should note, and this is important  
20 to keep in mind, that civic education as I'm  
21 discussing it today is not limited to those common  
22 schools, the public schools, as private schools  
23 also provide an effective civics instruction to  
24 their students. And so, as we're talking about  
25 differences across schools in civic education, the

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1 key distinction is actually not public/private,  
2 religious/secular, but other things that I'll get  
3 into today.

4 It's also worth noting that the civic  
5 purpose of schools is actually one of the rare  
6 things that liberals and conservatives both agree  
7 on. At a time when it is hard to get liberals and  
8 conservatives to agree that the sky is blue, they  
9 will agree that this is something that our schools  
10 ought to be doing.

11 And lest you think that I'm making that up,  
12 here are the words of President Barack Obama, who  
13 noted that "the loss of quality civic education  
14 from so many of our classrooms has left too many  
15 young Americans without the most basic knowledge  
16 of who our forefathers are or the significance of  
17 the founding documents. The risks and the  
18 sacrifices made by previous generations to ensure  
19 that this country survived war and depression,  
20 through the great struggles for civil, and social,  
21 and workers' rights. It is up to us, then, to  
22 teach them." That's Barack Obama.

23 Here are the words of Ronald Reagan:  
24 "Since the founding of this Nation, education and  
25 democracy have gone hand in hand...the Founders

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1     believed a nation that governs itself, like ours,  
2     must rely upon an informed and engaged electorate.  
3     Their purpose was not only to teach all Americans  
4     how to read and write, but to instill the  
5     self-evident truths that are the anchors of our  
6     political system."

7             I might suggest that it would be difficult  
8     to find agreement between Barack Obama and Ronald  
9     Reagan on a lot of things, but they did agree on  
10    this. And I personally -- having written and  
11    spoken about civic education for a number of  
12    years, I personally have found that while  
13    conservatives and liberals, Republicans and  
14    Democrats agree that schools should provide a  
15    civic education, I do have to admit they often  
16    disagree over what exactly that means, or at least  
17    what should be emphasized within civic education.  
18    So, conservatives are more likely to emphasize  
19    civic responsibilities, liberals are more likely  
20    to emphasize rights. The good news is you don't  
21    actually have to make a trade-off between those  
22    two things, you can incorporate both of them into  
23    effective civic education.

24            I've also found, however, that there is  
25    actually widespread consensus that a civic



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1 education should impart knowledge, and even a fair  
2 amount of consensus on just what kids should know  
3 as they come out of our schools. Just to give you  
4 an example, the Federal Education Department  
5 periodically conducts a civics exam as part of  
6 what is commonly called the nation's report card,  
7 the National Assessment of Educational Progress.  
8 You probably know these results, even if you  
9 didn't know the name of the exam, because this is  
10 how we track, for example, the black-white test  
11 score gap.

12 And usually the emphasis is on reading and  
13 math, but every few years they also administer a  
14 national exam in civics. It's a high-quality  
15 exam, and frankly, it doesn't really meet with  
16 much controversy. And it's my argument that if  
17 we're going to talk about civic education and what  
18 we want our young people to be learning in their  
19 schools, that's where we should start is where we  
20 have consensus on what they should know.

21 Now, that consensus on imparting knowledge  
22 to our young people, that's encouraging, and  
23 perhaps it's common sense that schools should be  
24 in the business of teaching young people what they  
25 ought to know; right? You'll probably go home

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1     tonight and say, "This guy from Notre Dame came  
2     and said that schools should actually teach kids  
3     something they should know? Wow, that's a  
4     shocker."

5             And presumably it's not controversial that  
6     we would want an informed electorate, so there's  
7     plenty of social science research, I could show  
8     you plenty of charts and graphs that make the  
9     point that the high level of political knowledge  
10    is, if you will, a gateway to other kinds of  
11    political involvement, voting, but also other ways  
12    that people might express their political voice.

13            I am a card-carrying political scientist,  
14    so I do need to acknowledge that among my  
15    colleagues in the discipline, we do disagree among  
16    one another on how much knowledge is actually  
17    necessary for a system to be truly democratically  
18    responsive, but that disagreement is really a  
19    matter of degree, not kind. I've never heard a  
20    political scientist argue that "It doesn't matter.  
21    Voters know nothing; right? This is how much they  
22    should know."

23            So, that leads us to the question, "Well,  
24    what do we know about civic education?" Well,  
25    first, I want to dispel a couple of myths. Myth

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1     number one: It is a myth that civics is not  
2     taught anymore in schools. It is. Forty-nine of  
3     the 50 states have state civics standards. The  
4     only exception is Iowa, and that's because Iowa  
5     has this very unique decentralized education  
6     system. So, it's not that Iowa's students aren't  
7     receiving a civic education, it's just that their  
8     standards are more likely to be set at the  
9     district level than at the state level.

10           It is also a myth that civic education is  
11     going away, either because of standardized testing  
12     or for other reasons. So, it's a myth that No  
13     Child Left Behind or similar state level  
14     initiatives that brought about the accountability  
15     revolution, that sort of pushed aside civics.

16           More accurately, it depends on the state.  
17     So, there are some states in which civics has been  
18     given fewer resources, probably because it's been  
19     crowded out by an emphasis on other subjects. But  
20     there are other states that have actually  
21     strengthened their civic education requirements in  
22     the last few years, including adding high-stakes  
23     civics exams in order to graduate from high  
24     school, and I'll return to that in a few minutes.

25           If you're curious, just in case you don't

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1 remember, in Gary, Indiana there is a state  
2 assessment in civics. It's actually in social  
3 studies, so the term "civics" is not used in every  
4 state. Here, it's social studies. But it's in  
5 grades five and seven, so it's not a high-stakes  
6 assessment. You don't have to pass an exam in  
7 social studies in order to graduate from high  
8 school, but you do have to take these exams  
9 earlier on in your education.

10 So, the question, then, is: What makes for  
11 an effective civic education? Believe it or not,  
12 for many years the conventional wisdom among  
13 scholars was that civics courses in high schools  
14 didn't actually have much effect on what young  
15 people knew about civic and political life. What  
16 that really meant is: What they learned in school  
17 was far less important, the belief was, than what  
18 they learned through other channels: Their homes,  
19 their churches, their clubs, et cetera.

20 However -- and this is sort of often  
21 forgotten among people like myself who study this  
22 stuff -- during this period of what I might call  
23 civic education skepticism, there was this very  
24 interesting finding that the main study that they  
25 all sort of relied on found that there was one

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1 group in the population in particular that did  
2 benefit from civic education in the schools, and  
3 that one group was African-American students.

4 And this was a study that was done in the  
5 mid 1960's, and, of course, that was a time when  
6 African-Americans were widely disenfranchised  
7 throughout the country, which suggested that  
8 schools mattered, or mattered most, when they were  
9 compensating for the absence of a civic experience  
10 at home. So, I'm going to call that the  
11 compensation effect, that schools can compensate  
12 for what kids are not learning through other  
13 channels.

14 And recently, evidence has begun to  
15 accumulate supporting that idea, that schools have  
16 this compensation effect. Now, again, you  
17 probably think that sounds obvious; right? You're  
18 all going to go home tonight and say, "This guy  
19 from Notre Dame came and said that schools can do  
20 what homes can't."

21 "Well, we already know that."

22 Well, in my world studying civic  
23 engagement, that's not what we typically observe.  
24 In fact, typically what we find is what is often  
25 called the Matthew Effect, from the Biblical Book

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1 of Matthew. You might remember the parable that  
2 says, "For to everyone who has will more be given,  
3 and he will have abundance." That's typically the  
4 way civic education works.

5 And just as a quick example, we know that  
6 extracurricular activities can boost young  
7 people's civic engagement, but which students are  
8 most likely to be engaged in extracurriculars?  
9 Well, it's typically those who are of a high  
10 socioeconomic status, who have highly educated  
11 parents. They are the one who are already most  
12 likely to be engaged. Classroom instruction is  
13 different, because they can reach every student.

14 Now, today when we look for evidence of  
15 compensation for a lack of civic resources in the  
16 home, we would not necessarily expect it to find  
17 among -- to find it among African-Americans. As  
18 Professor Fraga noted, that's a group that  
19 actually now has relatively high levels of  
20 political engagement, including voter turnout.  
21 But we do find lower levels of political  
22 involvement, including voting, including political  
23 knowledge, among those who have a low  
24 socioeconomic status. Usually we use education as  
25 our proxy for that.

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1           And we also have reason to believe that the  
2 immigrants in the country, who have less  
3 familiarity with the American political system,  
4 are also likely to have relatively low levels of  
5 political engagement -- again, we saw that through  
6 Professor Fraga -- and relatively low levels of  
7 knowledge of the American system. It doesn't mean  
8 they're not knowledgeable about politics. Often  
9 they know a lot about politics from their  
10 settled-in country, but not necessarily about the  
11 U.S.

12           Now, what my research and that of others  
13 has found, that the most effective form of civics  
14 instruction entails the open discussion of  
15 controversial issues in the classroom. When  
16 students are exposed to real politics, the cut and  
17 thrust, the back and forth, the debate, the pros  
18 and the cons of any given issue, they become more  
19 engaged, they envision themselves as being  
20 participants in the political process, and they  
21 also become knowledgeable. They know more stuff  
22 because it sticks in their brains, because they  
23 remember the experience, because they're exposed  
24 to real politics.

25           And in particular, it is students of low

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1 socioeconomic status, those who do not come from  
2 homes where they're likely, over the dinner table,  
3 to experience that back and forth, the cut and  
4 thrust, the debate. They're the ones who benefit  
5 most from what is happening inside the classroom  
6 when civics is taught that way. Regrettably, it's  
7 not often taught that way. It's often taught in a  
8 very boring way, with a lot of worksheets, filling  
9 in forms and such.

10 My research has also found that having a  
11 well designed state-level civics assessment, by  
12 which I mean an exam, actually matters, because it  
13 incentivizes schools to have effective civic  
14 education. In fact, the biggest impact of all is  
15 found with a high-stakes civic assessment, a  
16 civics exam that is required to graduate from high  
17 school.

18 And the biggest effect of all is found  
19 among the population most likely to have first- or  
20 second-generation immigrants; that is, Latinos.  
21 And the effect is most striking within those  
22 states that actually added a high-stakes civics  
23 exam between 2006 and 2010. In other words, when  
24 civics count, we see schools compensating for a  
25 relative lack of civic experiences at home.



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1           Furthermore, those effects last past high  
2       school. We know that from other work that shows  
3       that even years following high school, those who  
4       graduated from high school in states that have  
5       those high-stakes exams, they still know more  
6       about politics, and that's especially true for  
7       Latinos, immigrants and Latinos put together.

8           In sum, let me close, what's with kids  
9       these days? While civic education is in better  
10      shape than conventional wisdom might suggest,  
11      there is still room for improvement. Teachers  
12      should be encouraged to enliven their classrooms  
13      with real-world politics, and civic educators need  
14      to be incentivized to provide the most effective  
15      civics instruction, especially for those students  
16      who need it most.

17           Thank you very much.

18           MS. CLEMENTS-BOYD: Thank you,  
19       Dr. Campbell.

20           Okay. Are there any questions for our  
21       panel?

22           Dr. McGill, go ahead.

23           MR. MCGILL: Thank you, Madam Chair.

24           This is Bill McGill. I found it  
25       interesting, Dr. Fraga, that while on some levels

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1   you saw African-American participation in the  
2   electoral process decrease, you've actually seen  
3   Latinos increase in some areas, especially in  
4   Allen County. Do you think there's a direct  
5   correlation, then, between the level of one's  
6   political representation and their subsequent  
7   participation, and maybe, again, we'll see a  
8   little bit more involvement at the Latino level as  
9   we're seeing their political empowerment increase?  
10  Do you think that --

11                   DR. FRAGA: Yeah. So, thank you very  
12  much for that question. I think that's a key part  
13  of the story, and some of my research also  
14  examines the dynamics of political empowerment and  
15  how having representation and influence in  
16  political decision-making can spur more  
17  participation, can spur not just voting, but then  
18  running for office, which then creates kind of a  
19  cycle, a snowball effect, perhaps, but certainly a  
20  cyclical process by which knowledge of what  
21  matters encourages you to vote more, which then  
22  makes your vote matter more, which then encour --  
23  you see the point; right?

24                   So, I think that some of what you've seen  
25  in a few counties in Indiana, perhaps specifically

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1 with the 2016 election as well -- and I mean this  
2 gets back to Professor Cruz Nichols' work as well.  
3 I mean there's an interesting story about the kind  
4 of rhetoric that's used. But it's certainly seen  
5 as an important election for many in the Latino  
6 community, and that might spur participation.

7           The question is whether that's going to  
8 continue, whether we see that happening the most  
9 in counties or in places within the state where  
10 Latinos have already achieved some representation  
11 of some sort. That might be most clear in  
12 somewhere like Lake County, where you have Latino  
13 elected officials, and, of course, that's where  
14 Latino turnout is the highest already, too.

15           So, there's a question of what should the  
16 baseline be? Latino representation in places like  
17 East Chicago has been nontrivial for a long period  
18 of time. Should we be looking at how much it's  
19 changed? But we should certainly be understanding  
20 that a key part of the link between turnout and  
21 empowerment of turnout, voting rights has to be --  
22 you're actually achieving that kind of  
23 representation.

24           MR. MCGILL: So, then lastly, Madam  
25 Chair, this is to Dr. Cruz Nichols.

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1           If I'm understanding your study, you're  
2       saying that the fear of deportation diminishes  
3       Latinos' level of participation.

4           DR. CRUZ NICHOLS: Right.

5           MR. MCGILL: It gives what you call a  
6       cautious citizenship?

7           DR. CRUZ NICHOLS: Uh-huh, yeah. So,  
8       if your family members -- the family's being  
9       broken, it's causing them to disengage from  
10      different daily life activity behaviors, because  
11      that would open up the risk of their family to be  
12      questioned and to have their papers shown. And  
13      so, people are disengaging from, you know,  
14      political participation, but also reporting crime  
15      to police and seeking health care coverage because  
16      a paper trail would be started.

17           The same is true for the level of  
18      enforcement, of policing and serving in other  
19      communities of color, where people are disengaging  
20      and feeling more cynical about government and more  
21      targeted and not as valued as contributing  
22      members, and therefore their vote -- why would  
23      their vote matter; right? So, there wouldn't be a  
24      path of potential opportunity to see the status  
25      quo change.

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1 MR. MCGILL: Thank you.

2 MS. CLEMENTS-BOYD: If I can ask one  
3 question of Dr. Fraga. I believe it was at the  
4 2016 election where the African-American  
5 participation rate was at its highest, and -- or  
6 was it 2012?

7 DR. FRAGA: 2012.

8 MS. CLEMENTS-BOYD: 2012; I'm sorry.  
9 And also, I think the lowest for white Americans.  
10 What explains that dichotomy? And perhaps it's a  
11 question for Dr. Nichols as well. I don't know,  
12 but I found that to be interesting.

13 DR. FRAGA: Yes. I mean I'm looking  
14 at the data here to make sure I'm correct on the  
15 story, and specifically for Indiana --

16 MS. CLEMENTS-BOYD: Yes.

17 DR. FRAGA: -- I mean you see  
18 nationally an increase in black turnout in 2012,  
19 and the white turnout was relatively lower, but  
20 not lower than it was in 2000. But in Indiana, we  
21 saw that pattern where it seemed like turnout was  
22 somewhat depressed, and I think that's interesting  
23 for a number of reasons that might imply work that  
24 the campaigns were doing, work that was going on  
25 with, again, their representation and influence in

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1 political decision-making.

2 At a time when you had an African-American  
3 leading our country, I think that it was an  
4 empowering moment for many in the African-American  
5 community, even if the direct policy benefits  
6 weren't happening and there were still challenges.  
7 And I think that that dynamic shifted  
8 substantially in the 2016 election, where there  
9 was not an opportunity to have an African-American  
10 representation in the same way.

11 So, I think, to me, what's interesting is  
12 to imagine how policies can perhaps emphasize or  
13 de-emphasize that nature of the two. They get --  
14 it seems that things are more combative, right,  
15 it's an either/or, a zero-sum game, versus saying,  
16 you know, "We can increase participation for  
17 everyone, we can engage everybody in the political  
18 process." It's not a -- you know, not a game of  
19 choosing.

20 MS. CLEMENTS-BOYD: Okay.

21 Dr. Dion.

22 MR. DION: Well, I'd like to extend  
23 fraternal greetings as a political scientist and  
24 ask a detailed question about voter file.

25 DR. FRAGA: Sure.

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1                   MR. DION: But first, a quicker  
2 question to Dr. Campbell. There was a state  
3 lawmaker not long ago who was sharing the idea  
4 around the legislature that maybe every high  
5 school student should have to pass the citizenship  
6 test in order to get his or her diploma. Would  
7 you go that far? I mean that's pretty high  
8 stakes.

9                   DR. CAMPBELL: Thank you for actually  
10 asking the question. I had a little bit in my  
11 remarks, but I cut that out, about the citizenship  
12 exam. No, I would not support that, and the  
13 reason is if you were to only sort of take the  
14 surface level of what I said today, Notre Dame guy  
15 said, "Test, good. This is a test, it must be  
16 good," then that would be your answer.

17                   But it's not that simple, because we do not  
18 have a case anywhere in the country, in the data  
19 that I've looked at, where the exam alone has some  
20 sort of magical property to it. It is not the  
21 exam, it is having an effective civics curriculum,  
22 which is incentivized by an exam that, in turn, is  
23 based on the curriculum.

24                   The citizenship exam was designed for an  
25 entirely different purpose. It is a 100-question

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1 test, of which the individual applying for  
2 citizenship is only given a small portion that are  
3 really more sort of top-of-the-head, Jeopardy-like  
4 questions, "How many Supreme Court Justices can  
5 you name?" that sort of thing. It probably tells  
6 us something, but it certainly would not  
7 reflect -- in my and the opinion of many people  
8 who study this stuff, it does not reflect what we  
9 would say is a full-body civics curriculum.

10 So, this is a movement around the country.  
11 I say it's a good thing that these folks are  
12 drawing attention to the need to incentivize good  
13 civics instruction, but that is not, I think, the  
14 solution. It's too easy, "Let's just take this  
15 off-the-shelf test and give it to these kids." It  
16 was never designed for that purpose.

17 MR. DION: Okay. I'm sensitive to the  
18 idea that the Committee may not want to go too  
19 deep into this, but you spelled out the weaknesses  
20 of the CPS data, and then you sort of mentioned  
21 statistical modeling that allows you to fill in  
22 details for the individual level data. Are you  
23 merging files, or are you imputing ethnicity, or  
24 how do you get that?

25 DR. FRAGA: Sure. So, I mean there's



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1 multiple ways of doing this. The data that you  
2 saw today was from a commercial voter file firm,  
3 so I purchased under contract with one of the  
4 large data vendors that compiles data from every  
5 state and sends it to campaigns. So, we purchased  
6 a subscription and I entered the data into this.

7 The other way of doing it, which I've done  
8 on a smaller scale in places in Indiana, would be  
9 to actually acquire the voter file, and then you  
10 have the names of every individual and their  
11 addresses, and you can use geographic information  
12 about the composition of the neighborhood and also  
13 census information about the likelihood that  
14 someone's a certain race given their last name, to  
15 then have a predictive model of what their race is  
16 likely to be, and estimate.

17 So, that's -- the Commercial Properties is  
18 the same technique, incorporates a little bit more  
19 information, and that I have available at a  
20 national level and for the entire state, but it's  
21 the same principles that we use, it's just that I  
22 haven't acquired every single county's data yet in  
23 Indiana or every single county in the United  
24 States. Does that answer the question?

25 MR. DION: It does. Thank you.

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1 MS. CLEMENTS-BOYD: Yes, go ahead.

2 MS. DAVIS: I'm probably jumping in  
3 before Chris because I know he's got 12,622  
4 questions for you on these questions, but relative  
5 to the voter file that you referenced -- I'm  
6 sorry. Tammi Davis from Gary, by way of East  
7 Chicago.

8 One of the criticisms that I heard of the  
9 voter file is the bad data, the integrity of the  
10 data that is included in a lot of these voter  
11 files. They would include addresses -- like you  
12 could have five individuals that live at the same  
13 address with three different telephone numbers,  
14 just bad data. So, how heavily is the information  
15 contained in the voter files that you have been  
16 using to support your statistics that you  
17 presented today?

18 DR. FRAGA: Sure. So, I mean that's a  
19 really great question, and I think one of the key  
20 reasons why I'm using it here, and I relied in the  
21 past on commercial data and verified it as well,  
22 but relied on commercial data. So, the firm that  
23 I work with vets to campaigns. Campaigns have a  
24 very high interest in having accurate data,  
25 extremely accurate data, because if they misdirect

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1 a piece of mail, then that's wasted money, it's  
2 wasted dollars.

3 So, they go through, and this commercial  
4 firm actually sort through the voter file and the  
5 errors that we might have in the regular state  
6 file or the regular county files, right, that are  
7 available to the public, and tries to fix those  
8 errors. So, when we've looked, right, in terms of  
9 who's actually registered to vote, it can become a  
10 little bit tricky, but in terms of who's actually  
11 voting, that's reasonably reliable information.

12 So, as an example, if I wanted to know how  
13 many people are registered to vote -- you notice I  
14 didn't talk about registration here. Even though  
15 I'm using the registration file, it's people who  
16 have been flagged as voting, because at any given  
17 time, and as you know, right, there's voter purges  
18 going on, there's unreliable information because  
19 people move.

20 I don't want to have to deal with any of  
21 that. It's just who showed up at the polls? Who  
22 was flagged as having voted? Or, sure, even if  
23 they've been dropped since then, even if they've  
24 moved, did they vote in the election?

25 So, to me, that's -- I mean speaking a

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1 little bit to the reliability, because there's an  
2 interest in these firms with having accurate data,  
3 and also the places where there might be the most  
4 issues, which is who's registered at any given  
5 point in time. I'm not using that specific  
6 information.

7 MS. DAVIS: Okay. And my follow-up is  
8 relative to informing voters; right? And so, we  
9 talked about -- there's been a lot of  
10 conversations about the students in Florida, which  
11 is interesting when they talk about how articulate  
12 they are. I'm like, "They should be articulate,  
13 they're in school. That shows that our school  
14 system is doing their job."

15 But every election, people talk about how  
16 we have to inform the voter, we have to inform the  
17 voter. So, based upon your research, how does --  
18 and some of the data that you've presented today,  
19 have you seen in any of the election cycles where  
20 there has been an increase of informing the voter,  
21 different methodologies of informing the voter,  
22 different mediums, and did that really equate to  
23 an increase in voter participation?

24 DR. CRUZ NICHOLS: Yes. So, the --  
25 when we talk about informing the voter, there's a

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1 lot of work that looks at whether a voter needs to  
2 know the specifics of certain policies, or is it  
3 enough to just know who are the policy proponents  
4 of that policy and who are the policy opponents?  
5 And so, that provides a citizen, the typical  
6 citizen, who has a lot to manage and many hats to  
7 wear in their daily lives, the ability to get  
8 signals on the types of policies that are in their  
9 benefit and the types of policies that are not.

10 So, even just providing the sense of policy  
11 endorsement and policy opposition should be enough  
12 to help citizens engage with the kind of policies  
13 that they'd want to see. They don't have to know  
14 the exact page or section number of a policy. So,  
15 that's the sort of shortcuts, the kind of  
16 statistics that people rely on.

17 And then Dr. Campbell illustrated, you  
18 know, some people debate about how much of that we  
19 should really try to promote, but for basic  
20 purposes, when mobilizing voters, if you provide  
21 them with information about how their community  
22 could benefit from that policy, it provides a  
23 sense of group identification for them and  
24 heightens their level of participation. And  
25 that's totally nonpartisan. That can go on either

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1 side of the aisle. If you heighten their sense of  
2 identity, that could help promote their level of  
3 turnout.

4 But, you know, what I'm focusing on is the  
5 kind of messages that we pitch to people, and that  
6 we should not only emphasize the sense of fear or  
7 sense of threat in their environment, but point to  
8 policy hopes and policy gains that could help them  
9 see how their involvement could be to change and  
10 to help -- to be helping that community.

11 MS. DAVIS: I'm sorry; I just have a  
12 quick follow-up. In any of your research, has  
13 there ever been a survey that asked a voter why  
14 they voted?

15 DR. CAMPBELL: Uh-huh.

16 MS. DAVIS: And as a result of their  
17 answers, did any of that come to "Because I  
18 received more information," or "because of my  
19 citizen engagement class," or, you know, "I was  
20 required to take the citizenship in order to  
21 become a citizen," just any of -- any of those  
22 results that speak to why people said they voted?

23 DR. CAMPBELL: So, there are two ways  
24 that that question gets asked, so, one is to ask  
25 those who have voted, "Why did you?" And then

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1 another is to ask those who didn't, "Why didn't  
2 you?" And we know that those who say they didn't  
3 vote often cite what Professor Cruz Nichols was  
4 just referring to, kind of the business of their  
5 lives. But we also know that a lack of  
6 information, or at least their perceived lack of  
7 information, is one reason why they won't vote.

8 Now, the side of those who do report  
9 turning out to vote, it would be a pretty high  
10 hurdle to expect someone in a survey, you know, to  
11 just name, "Well, I voted because I took a civics  
12 class when I was in high school."

13 But we do know that those folks who report  
14 voting to us, everything else about them suggests  
15 that they have benefited from effective civic  
16 education, whether it's through the schools or  
17 through those other channels, because one of the  
18 most powerful predictors of whether you voted is  
19 simply how much you know about the political  
20 system, and that, in turn, is related to how much  
21 education you have.

22 Trying to sort out what's the cause and  
23 what's the effect, that's really tricky. That's  
24 what keeps us all in business. But we know that  
25 just as a brute fact, if I know how much you know

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1 about the political system, I can probably make a  
2 fair amount of money wagering on whether or not  
3 you turned out to vote. And that tells us, I  
4 think reasonably so, that efforts for inform  
5 voters are worthwhile, even though they can often  
6 be a challenge.

7 DR. CRUZ NICHOLS: And just to  
8 piggy-back off that, there's a sense of civic duty  
9 that is expressed in people's explanation of their  
10 willingness to participate and willingness to  
11 vote, and scholars like Melissa Michelson and Lisa  
12 Garcia Bedolla have looked at how people sense a  
13 group attachment.

14 Michael Dawson has looked at this as well,  
15 another East Chicago person, where, for minority  
16 groups in particular, a sense of expression and a  
17 sense of voting as part of a larger group of  
18 people, that there's power in numbers, and that if  
19 you have a stronger sense of group attachment to  
20 your minority group and that you feel that the  
21 plight of your group is at stake, that those  
22 minority group voters are more likely to turn out  
23 when they have that sense of identification  
24 emphasized.

25 So, there's not just, you know, having the



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1 highest level degree, it can be compensated,  
2 right, that lack of education can be compensated  
3 by emphasizing that this, you know, particular  
4 policy scenario matters for your group.

5 MR. KIRKLAND: Madam Chair?

6 MS. CLEMENTS-BOYD: Yes.

7 MR. KIRKLAND: I have a question, Tony  
8 Kirkland. To -- this is for the panel, any of you  
9 can take a shot at it. When do you -- in your  
10 research, when do you feel or when do you see the  
11 need -- that they'll probably close the gap, in  
12 your own opinion? Because all of you all have  
13 done different, various types of research, and  
14 there's some things you're seeing that we probably  
15 haven't been privy to.

16 DR. CAMPBELL: To close the gap on --

17 MR. KIRKLAND: To close the gap on the  
18 disparity in voter -- in voting.

19 DR. CRUZ NICHOLS: Well, I actually  
20 want to piggy-back off of Dr. Campbell's work to  
21 emphasize the role of schools in immigrant  
22 families and the role that civic education for  
23 immigrant families is huge. There's other work  
24 that I've looked at and at least have participated  
25 in where we are seeing the bidirectional

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1   socialization of immigrant children teaching their  
2   parents about voting rights and how to navigate  
3   the political process.

4           So, they're not just teaching their  
5   parents, they're translating for their immigrant  
6   parents when it comes to, you know, the doctor's  
7   office, the Post Office. Or from their teacher,  
8   they're helping their parents to understand valid  
9   information.

10           And I'll never forget in 2008, I was in  
11   Chicago working in a poll, and there was a little  
12   child that came in with her mother, and her mother  
13   was asking her who she should vote for, and she  
14   just gave her a quick spiel of who the candidates  
15   were on the ballot, and it was like an  
16   eight-year-old or ten-year-old. And so, that is a  
17   huge opportunity gap reducer there, where these  
18   children are playing a huge role in socializing  
19   not only themselves, but their parents and their  
20   family members, especially if the parents do not  
21   speak English.

22           And then with my work, I would just highly  
23   emphasize that activists and those that are trying  
24   to turn out the vote not paint a disillusioning  
25   scenario where only threat is alerted to folks;

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1     that people need to be made aware of opportunity  
2     messages and policy victories and policy advocates  
3     that are working in their favor as well to help,  
4     you know, people become more willing to see how  
5     their participation matters.

6                 DR. FRAGA: Okay. So, to answer this  
7     question, I think there's -- you know, I study  
8     voter turnout. That's what I specialize in, as  
9     you guys have seen on this, what I look at.

10                And so, I ask myself this question all of  
11     the time, and I think there's two categories of  
12     reforms perhaps; right? There's the ones that  
13     would have a really big impact but are very, very,  
14     very difficult to implement; right? Very  
15     difficult to -- you know, what Professor Cruz  
16     Nichols was talking about is very difficult to  
17     instill as a matter of public policy.

18                I think what Professor Campbell is talking  
19     about is on the step in the right direction when  
20     he's saying start earlier, right, in a sense. We  
21     should do engagement in the schools. I think  
22     that'd have a big impact, but also maybe -- it  
23     might take time to have an effect.

24                What we were discussing earlier about  
25     political empowering, representation, influence

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1 and political decision-making, that might be zero  
2 sum, but it's complicated. I think that has a big  
3 impact on who votes. You'd have to say that  
4 there's a lower level of voter turnout in the  
5 developed world. And we know this; right? Very,  
6 very low rates of voter turnout, even among  
7 registered voters, people who have already gone  
8 through the step, still you have 20 to 30 percent  
9 of people who don't turn out to vote. You have a  
10 huge drop-off in midterm elections.

11 So, to me, it's one of the small things.  
12 What are the public policies that we can do? And  
13 we learn from other states. We know things like  
14 making it easier to register to vote. We have  
15 on-line voter registration in Indiana. That's a  
16 really big help. I know because when I try and  
17 help with voter registration drives, it makes  
18 everything a lot easier to do. You can do it on  
19 your phone even. It's really great for young  
20 people.

21 But then we think about other policies,  
22 like permanent absentee ballot status, the fact  
23 that you can mail in your ballot, permanently  
24 always be delivered a ballot in the mail. Some  
25 states do this, Indiana does not. Early voting,

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1     expanding that, making it easier to vote,  
2     expanding the hours in which voting is possible.

3             All of these might have a small impact,  
4     they're the second category, smaller impact, but  
5     also normatively in some sense, you know, why  
6     would we want to make voting more difficult?  
7     These are easy things to do, and other states do  
8     them, and we already know how they can be done.  
9     So, let's start with those as well. Let's  
10    consider those policies that might have a small  
11    impact, but enough of an impact, especially in how  
12    we serve communities, to make a difference.

13            MS. CLEMENTS-BOYD: We are running  
14    over, so we are going to take the last question  
15    from Chris Douglas.

16            MR. DOUGLAS: Well, thank you all.

17            As the panel knows, you're singing my song,  
18    and particularly you, Dr. Campbell. The -- I  
19    think there are lots of interesting questions that  
20    could go back in the history of -- the statistics  
21    of participation you cite, and I'm particularly  
22    interested in what extends beyond the 1980's and  
23    back into the 1970's, '60's and '50's, when public  
24    policies that were merged were substantially  
25    different than what we have now.

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1           But that's not the direction I'm going.  
2       Dr. Campbell, what you describe, I think, is very  
3       much what produced me; that is to say, I went  
4       through such civic education that was active in  
5       the classroom and it required teachers who were  
6       well trained and able to conduct it in a way that  
7       was completely, for them, devoid of content, while  
8       the students engaged in content.

9           And I remember in a science class an  
10      environmental exchange project where some students  
11      took on the position of the townspeople, some took  
12      on the position of the logging company and some  
13      took on the position of the environmentalists, and  
14      there was this series of debates, and I think it  
15      probably ended up with the science, but it really  
16      educated us all that there were so many different  
17      sides of the story that you had to be able to  
18      incorporate into a strong civic program.

19           There's another way in which -- yes.  
20      Indiana leads the nation -- in spite of that  
21      strong Constitutional provision that you cited,  
22      Indiana now leads the nation in diverting funds  
23      from those common schools to private schools, and  
24      in particularly religious schools, predominantly.

25           And so, from that environment of

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1 integrated, secular public education to religious  
2 schools, in that public environment, the  
3 imperative with regard to civics seems very clear.  
4 What is the public policy imperative? Can't -- is  
5 interest one that can be applied to other schools  
6 with regards to civics education?

7 DR. CAMPBELL: I know we're running  
8 late, so I'll just answer that quickly. As I  
9 noted just briefly in my remarks, and I'll just  
10 elaborate on a sentence or two, this is actually  
11 research that I have done. I am a product of the  
12 public schools. My children have attended public  
13 schools. I do work for Notre Dame, so you may  
14 think that I'm a shill for Catholic schools, but I  
15 assure you I am not.

16 The data speak clearly, and that is that  
17 particularly Catholic schools, and that's the  
18 public of private education in Indiana and around  
19 the country, they actually do a very good job with  
20 civic education, they really do. Other types of  
21 private schools, not necessarily. It depends on  
22 the flavor of schools.

23 There are some private schools particularly  
24 that are sometimes called Christian academies  
25 where at least when it comes to an appreciation

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1 for the civil liberties of underrepresented  
2 groups, will toler -- well, tolerance, that term  
3 gets thrown around. It means lots of different  
4 things to different people, but to us, it means a  
5 respect for civil liberties. By "us," I mean  
6 political scientists. That's the type of school  
7 where you're a little less likely to find an  
8 emphasis on that than you would in the public  
9 schools or the Catholic schools or in secular  
10 private schools.

11 As for what the state can do, it seems  
12 reasonable to me that if the state is funding or  
13 is partially funding the education of a student at  
14 a private school, it then becomes imperative upon  
15 the school to fulfill that civic purpose as  
16 outlined in the State Constitution, but I suspect  
17 that most private educators actually do not  
18 disagree with that sentiment.

19 MS. CLEMENTS-BOYD: Thank you so much.

20 This was great. We certainly appreciate  
21 all of the statistics, all of the reporting, the  
22 research that's gone into your presentation today,  
23 and we look forward to actually getting your  
24 actual transcripts, as time probably didn't permit  
25 our panel to study it carefully.



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1           So, thank you so much, and we will quickly  
2 transition to the very last panel for today, which  
3 is the government panel.

4           Thank you.

5           MR. DOUGLAS: Thank you.

6                       (Applause.)

7                       (Recess taken.)

8           MS. CLEMENTS-BOYD: In the interest of  
9 time, if our panel would -- or the Advisory  
10 Committee would take their seats, please.

11           It's been a long day, and you are our last  
12 panel, and we certainly are excited to hear what  
13 you have to say as our government -- official  
14 government panel for this hearing. We have heard  
15 from advocates, we've heard from legal folks,  
16 we've heard from academics, which was the last  
17 panel, and to round out this discussion, I think  
18 it's only prudent that we hear from government,  
19 and you all represent government.

20           So, first of all --

21           MS. CELESTINO-HORSEMAN: Madam Chair,  
22 may I ask a question? Actually, we represent  
23 government and politics, so we have two people  
24 from government, two people from politics.

25           MS. CLEMENTS-BOYD: Yes, and we are

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1     aware. We did merge the two groups.

2                   MS. CELESTINO-HORSEMAN: So, what I --

3                   MS. CLEMENTS-BOYD: So, yes.

4                   MS. CELESTINO-HORSEMAN: -- what I was  
5     going to ask was: Would you like government,  
6     government and then politics, or just go down the  
7     line?

8                   MS. CLEMENTS-BOYD: I don't think  
9     that -- let's see. We have a government and --  
10    well, do you want to do government, government?  
11    Okay. So, we will start with Mr. Brandon -- let  
12    me just introduce the panel, and then we will go  
13    starting with the government presentations, and  
14    then we'll end with the parties; okay? We have  
15    first Brandon Clifton, and he is the Chief of  
16    Staff, Indiana Secretary of State.

17                  And just following the order that you're  
18    seated, we have next Tim Maguire, with the  
19    Libertarian Party, the Libertarian Party Chair.  
20    Thank you for being here today.

21                  MR. MAGUIRE: Thank you.

22                  MS. CLEMENTS-BOYD: And next, we have  
23    Ms. Karen Celestino-Horseman, representing the  
24    Democratic Party of Indiana. And last but not  
25    least, we have Mr. Russell Harris, with the

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1 Marion -- Hollis, I'm -- pardon me, Russell  
2 Hollis, with the Marion County Clerk's Office.

3 MR. HOLLIS: Thank you.

4 MS. CLEMENTS-BOYD: Thank you for  
5 being here.

6 So, we will start with Mr. Clinton [sic],  
7 and then we will -- Clifton; I'm sorry.

8 MR. CLIFTON: That's all right.

9 MS. CLEMENTS-BOYD: And then we  
10 will -- and these glasses aren't very good. And  
11 then we will transition over to Mr. Hollis.

12 When you're ready, Mr. Clifton, please  
13 proceed.

14 MR. CLIFTON: Well, thank you.  
15 PowerPoint is here today.

16 Forgive me. Before I forget -- before I  
17 begin, I was in bed an hour ago, and an hour from  
18 now I plan on being in bed again. I've been sick  
19 for a few days, so if you can't hear me or if I'm  
20 not speaking loud enough, just let me know, as I  
21 can't really hear myself talk.

22 So, Tim, why did you move farther away?

23 (Laughter.)

24 MR. CLIFTON: He scooted one down.

25 MR. HAIGH: Yeah, you stay over there

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1 with the panel.

2 MR. CLIFTON: I have a few of our team  
3 members here today as well. Secretary Lawson  
4 wanted to ensure that we had a balanced and robust  
5 discussion and representation on behalf of the  
6 office. Angie Nussmeyer is here. She is the  
7 Co-Chair of the Indiana Election Division, the  
8 Democrat Co-Chair. Brad King is here today as  
9 well, the Republican Co-Director, and Jerry  
10 Bonnet, our General Counsel, is here with us  
11 today, and they'll be available for Q & A.

12 So, I just want to give you a little bit of  
13 background about the office. We have four  
14 divisions, at Auto Dealer Services Division, the  
15 Securities Division, the Business Services  
16 Division, and, of course, the Indiana Election  
17 Division in the office. Secretary Lawson serves  
18 as the Chief Elections Officer, and in partnership  
19 with the Indiana Election Division, as I  
20 mentioned, Brad and Angie are responsible for the  
21 administration of elections on a statewide level.

22 Of course, 92 counties are responsible for  
23 the grassroots and on-the-ground administration  
24 responsibilities. With -- and then also --  
25 forgive me; I meant to say this as well. I

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1 usually don't read notes word for word, but I've  
2 been rather full of cough medicine the last  
3 several days.

4 So, just an overview of some points I'll  
5 talk about today. Of course, the Secretary's role  
6 in elections, local voting systems and safety,  
7 elections at the state level, processes and  
8 protections that are in place, federal election  
9 issues, and a little bit about vote centers and  
10 technology if we have time for that discussion  
11 today.

12 And a big chunk of this -- I'd like to take  
13 the opportunity to speak to another advisory  
14 panel, a group with constituents, as to why  
15 Indiana and why constituents here in the state,  
16 Hoosiers, should feel confident in the  
17 administration of elections. You know, a lot of  
18 discussion out about Russian influence, Russian  
19 activity in 2016, and that which is coming here  
20 this year, and no doubt in future presidential  
21 years as well.

22 However, there should be equal conversation  
23 about why states are secure, the efforts that have  
24 gone on in the states, and just to -- we need to  
25 tell that second half of the story when it comes

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1 to cyber security and elections, because, as we  
2 know, a lack of confidence in the elections  
3 process and election administration will erode  
4 confidence and erode participation as well.

5 So, this first slide, as I said a minute  
6 ago, 92 county clerks are responsible for  
7 administering elections. There is no statewide  
8 system for tabulating ballots here in the state,  
9 and machines are not connected to each other, nor  
10 are they connected to the Internet. We enjoy a  
11 decentralized process here in the state, as is the  
12 case across the country as well. And each polling  
13 location is staffed by a bipartisan team,  
14 alongside the clerk.

15 Bear with me.

16 Votes are counted at the county level, and  
17 then they're called or faxed to the Election  
18 Division when it's time to report those results.  
19 So, we don't -- we -- this decentralized nature is  
20 a characteristic of why elections in the state are  
21 secure and robust. One of the additional bullet  
22 points under that decentralized nature is this  
23 manual mechanism to report results on election  
24 night.

25 And in addition, one of the major pieces

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1     that both Angie Nussmeyer and Brad King have spent  
2     a ton of time on and is really a credit to the  
3     State of Indiana, and Hoosiers are well served by  
4     their representation, is the leadership that has  
5     gone on to develop a multifactor authentication  
6     mechanism for county and county staffs to enter  
7     into a Statewide Voter Registration System, and to  
8     maintain individual records.

9             So, as we're all familiar with multifactor  
10    authentications, you get a text, you get a number,  
11    you punch that in, as you would, alongside your  
12    user name or password, and that's a new concept  
13    that's proposed here in the state. We're in the  
14    midst of a pilot and believe that multifactor  
15    authentication, as we have been advised by the FBI  
16    and the Department of Homeland Security, this is  
17    really the number one thing that could and will  
18    prevent vulnerabilities in the future.

19            So, elections at the state level, we really  
20    enjoy the benefit of a great partnership with  
21    VSTOP, the Voter System Technical Oversight  
22    Program, out of Ball State. They're responsible  
23    for certification and testing of election  
24    equipment and have really developed a national  
25    brand when it come to the service that they offer.

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1 They're here in our backyard, just a little ways  
2 away.

3 And as I mentioned a bit ago, the Statewide  
4 Voter Registration System, what we call SVRS, and  
5 in 2017, the General Assembly appropriated four  
6 million for modernization and security, and now we  
7 made this appropriation request, and that was  
8 developed really before and during the 2016  
9 election, but really before we knew the extent of  
10 the threat that was out there. So, this -- these  
11 appropriations and these additional dollars have  
12 gone a long way to secure Indiana and our  
13 elections.

14 The Governor's Cyber Security Council, so I  
15 just ended a call, alongside Brad and Jerry and  
16 Angie. The Governor's Cyber Security Council is  
17 one of its kind around the country. It is an  
18 initiative across sectors and state government,  
19 energy, utility, communications, law enforcement,  
20 infrastructure, jobs, you name it.

21 There is an effort underway, and each one  
22 of those sectors is built staffed with a council,  
23 and elections is one of many that are under the  
24 Governor's Cyber Security Council. We're  
25 responsible for proposing policy reforms,



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1 researching what is going on around the country  
2 when it comes to cyber security.

3 (Message on speaker phone.)

4 MR. CLIFTON: It has been a long day,  
5 hasn't it?

6 (Laughter.)

7 MR. CLIFTON: And you ended the day  
8 with government. I'm surprised.

9 And then quickly, Senate Bill 327 speaks --  
10 it covers some components that seal election  
11 equipment after an election, limits the sale of  
12 election equipment to certain actors. As we  
13 learned I think it was this fall, the DEFCON  
14 research that was done in Las Vegas, they were  
15 able to acquire machines that were no longer  
16 certified, no longer in use, and we just want to  
17 make sure that that is the case going forward.

18 And then county -- requiring counties to  
19 notify the Secretary's Office in the event that a  
20 federal agency contacts them with regard to a  
21 probe, a penetration, a compromise. They're -- as  
22 we learned under the Critical Infrastructure  
23 Designation, the Federal Government would not have  
24 notified the states had there been a compromise to  
25 their Statewide Voter Registration Systems.

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1           Just out of a pure lack of an appreciation  
2 of the complexity of those systems in that they're  
3 owned by the states but they're accessed by the  
4 counties, so we're required under the statute that  
5 locals notify the secretary if they are contacted  
6 by a federal agency in the event of a breach.

7           I only have a couple of minutes left of my  
8 15 minutes. So, Secretary Lawson is the President  
9 of the National Association of Secretaries of  
10 State. There's a ton of work that's going on with  
11 the Federal Government under the Critical  
12 Infrastructure Designation. In that capacity, she  
13 serves on the executive committee of the governing  
14 council that is responsible for administering the  
15 Critical Infrastructure Designation.

16           The Multistate Information Sharing and  
17 Analysis Center, responsible really -- this is, in  
18 my opinion, the largest benefit of the Critical  
19 Infrastructure Designation. That is, not  
20 committing the sins of 911 and sharing information  
21 and communicating and sharing intelligence. So,  
22 by way of this Multistate Analysis Center, we're  
23 able to learn how to better communicate  
24 information, package it for IT people, for  
25 nontechnology people, and Indiana is one of seven

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1 pilots that's participating.

2 We skip ahead and look -- just a couple of  
3 words about vote centers. Vote centers, it's just  
4 a wonderful opportunity here in Indiana.  
5 Thirty-six counties, if my memory is correct, are  
6 vote center counties, of the 92. It allows a  
7 registered voter to vote at any one of multiple  
8 locations in a county, and as a State Senator,  
9 Secretary Lawson authored the legislation that  
10 enabled vote centers.

11 And I'll leave the rest to your review, but  
12 the last comment I'll make about vote centers  
13 is -- it's really that last point. County boards  
14 must unanimously adopt vote centers, and Secretary  
15 Lawson has been a supporter of that standard.  
16 Let's come together as both parties and find a way  
17 to implement vote centers, as opposed to the  
18 majority vote of the Election Board.

19 So, that standard has been examined this  
20 year, and it may be examined in years to come by  
21 the General Assembly, but at this point, Secretary  
22 Lawson still remains firm in her commitment and  
23 her recommendation that vote centers be adopted  
24 with unanimity.

25 So, I know I'm at 15, probably 16 minutes.

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1 Thank you.

2 MS. CLEMENTS-BOYD: Thank you,  
3 Mr. Clifton.

4 Mr. Hollis, please proceed when you're  
5 ready.

6 MR. HOLLIS: Good afternoon, everyone.  
7 Thank you for your time in allowing us to present  
8 to you this afternoon. My name is Russell Hollis.  
9 I am the Deputy Director for the Marion County  
10 Clerk's Office. I am here on behalf of Clerk Myla  
11 Eldridge. She was unable to attend on this  
12 afternoon due to some unforeseen circumstances.  
13 Without further ado, I will delve into the  
14 presentation.

15 I'll give you a mental road map of what you  
16 are about to hear. First, I'll give you a brief  
17 overview of how we conduct elections in Marion  
18 County, then I'll discuss with you some challenges  
19 that we face when trying to conduct elections in  
20 Marion County, and then finally, I'll mention ways  
21 that we deal with those challenges. And I will  
22 proceed.

23 So, in Marion County, we have  
24 precinct-based voting, so in Marion County we have  
25 nine townships. Those townships are further

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1 divided into wards, and those wards are further  
2 divided into precincts. We have 600 precincts  
3 here in Marion County, and those precincts, on  
4 election day, those are located inside of your  
5 polling location.

6 A polling location is, you know, any  
7 building that can house the public, whether it's a  
8 church, a school, a fire station, et cetera.  
9 That's where you go on election day, and once you  
10 walk into a polling location, you find your  
11 precinct, and then you will go to your precinct,  
12 present your photo ID, and then the election clerk  
13 will find your name in a poll book.

14 Now, as mentioned -- we had two panelists  
15 earlier mention issues about photo ID here in  
16 Indiana. A valid photo ID, there's four  
17 requirements for a valid photo ID. Those four  
18 requirements are: It must have a photo, your  
19 photo; the second requirement is that it has an  
20 expiration date, and there are few exceptions for  
21 that expiration date requirement; your name must  
22 reasonably conform on your ID as it does in the  
23 polling book; and it must be government issued.

24 In Marion County, we deal a lot with high  
25 school students as well as college students that

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1 are first-time voters, and so, some of the public  
2 school students, whether it's public high school  
3 or even public universities, they will use their  
4 school ID, and they can use that on election day  
5 as long as it's -- as long as it has the photo and  
6 it meets the other requirements, such as the photo  
7 and expiration date.

8 That's election day voting. Before  
9 election day, you have absentee voting. All  
10 absentee voting requires the voter to complete an  
11 application prior to voting in that type of  
12 absentee voting. We have three different kinds of  
13 absentee voting here in Marion County.

14 The first kind that I'll briefly talk about  
15 is in-person early voting. Any voter can use  
16 in-person early voting, and it usually occurs  
17 roughly 28 days before election day. You do not  
18 need a reason to use in-person early voting, but  
19 you must provide a valid photo ID.

20 The second type of absentee voting that we  
21 have here in Marion County is the traveling board.  
22 The traveling board is a bipartisan team of voters  
23 that will assist of voter who is confined to a  
24 location; for example, a person who has some sort  
25 of a disability and they're confined to their

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1 home, they can take advantage of the traveling  
2 board.

3 And then the third type of absentee voting  
4 that we use here in Marion County is absentee  
5 voting by mail. You must complete the  
6 application. There is a list of six or seven  
7 check-the-box reasons that you must complete in  
8 order to identify a reason why you want to vote by  
9 mail, and we always encourage voters to pay  
10 attention to the deadlines with respect to  
11 absentee voting by mail, and we also include, you  
12 know, military voters, we kind of lump that into  
13 voting by mail as well.

14 So, that's kind of the current -- a very  
15 brief overview of the current landscape of voting.  
16 Now I want to talk about challenges that exist  
17 today with our current method of voting, and the  
18 first challenge that I will highlight deals with  
19 access to early voting, access to in-person early  
20 voting.

21 In Marion County -- well, Indiana law  
22 requires the three-person election board to  
23 unanimously approve satellite voting. In Marion  
24 County, since 2009, we have not been able to have  
25 satellite voting. In 2009, even though it was --

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1     that's a nonelection year, we had a special  
2     election that year, and that was the Wishard  
3     Hospital referendum.

4             During that referendum, the -- all three  
5     members of the election board decided to have --  
6     they unanimously approved satellite voting.  
7     However, since then and -- since then, it's always  
8     been a two-to-one vote. The two Democrats  
9     approved satellite voting, the one Republican  
10    member has not.

11            Why that is the case, we -- they answer  
12    during the election board meetings. Usually it's  
13    just an unequivocal "no." There's been no  
14    detailed explanation that follows that, but  
15    that -- I'm just stating facts here. That has  
16    been the case.

17            The impact that that has on Marion County  
18    voters is very detrimental. That means there's  
19    only one location for early voting in  
20    Indianapolis. There are over 700,000 registered  
21    voters -- in the 2016 presidential election, there  
22    were over 700,000 registered voters here in  
23    Indianapolis, where you just have the one  
24    location, which is the City-County Building, which  
25    is located in downtown Indianapolis.



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1           And for those of you who are familiar with  
2   the City-County Building, I'm sure you will agree  
3   that parking around the City-County Building is  
4   atrocious. In the past, even during the 2012  
5   presidential election, you had two surface lots  
6   that were located across the street from the  
7   City-County Building.

8           Well, those parking lots no longer exist.  
9   In the place of those parking lots right now the  
10   Cummins new headquarter building, and there is a  
11   new apartment complex that's in the other lot.  
12   So, parking is -- it's -- it's very, very bad, and  
13   that may be putting it lightly.

14          Another thing, another impact that just  
15   that one location for early voting has on Marion  
16   County voters is that during the last two weekends  
17   leading up to the election, there are long lines.  
18   During the 2016 presidential cycle, during the two  
19   weekends leading up to the election on that  
20   Saturday and Sunday, there were lines that wrapped  
21   around the building, and that is not -- that is  
22   not -- I'm not estimating here. That literally  
23   happened.

24          The entrance to the building for early  
25   voting is directly off of Delaware Street, close

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1 to the intersection of Delaware Street and Market  
2 Street. The line started from that entrance and  
3 it ran south to Washington Street, wrapped around  
4 the sidewalk on Washington Street, back down to  
5 Alabama Street, and at times started to head west  
6 on Market Street, towards the entrance again.

7 For voters who were in those lines, they  
8 had to wait maybe 45 minutes or so. And we did  
9 the best that we could with, you know, the -- I'll  
10 say with the hand that we were dealt, but, you  
11 know, if we could not be in this predicament of  
12 just having one early voting location, I think  
13 that would be a huge benefit to our voters here in  
14 Marion County.

15 Also, I do want to note on the same topic,  
16 the Indy Star, in 2017 they published an article  
17 where they kind of looked into some of the numbers  
18 with respect to early voting or lack of early  
19 voting, and they noted that in Hamilton County,  
20 which is the county directly to the north of  
21 Marion County, that early -- that absentee voting  
22 between 2008 and 2016 increased approximately 63  
23 percent during that period of 2008 through 2016.

24 During that same period -- and again, I  
25 mention that, you know, in Marion County we have

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1 not had satellite sites during that time --  
2 absentee voting decreased by 26 percent. Now, am  
3 I saying that satellite sites is directly  
4 attributable to voter turnout? That's not what  
5 I'm saying. But here, I think there's definitely  
6 a strong relationship there.

7 Even if you look at Marion County voter  
8 turnout numbers, it kind of supports the  
9 sentiments made by the Indy Star as well as other  
10 local media. For example, during the 2016  
11 presidential election, the number of ballots  
12 cast -- and I know there was a panelist earlier  
13 who talked about voter turnout, but I'll focus on  
14 ballots cast, because the number of registered  
15 voters may be impacted by purging voter rolls.

16 So, the number of ballots cast in 2016 in  
17 Marion County was 370,498 ballots cast.  
18 That's 2016. That's actually less than the number  
19 of ballots that were cast in the 2008 presidential  
20 election. In 2008, the difference was that we had  
21 satellite voting here in Marion County.

22 So, again, I just want to, you know, really  
23 highlight that we are kind of hamstrung by state  
24 law that requires a unanimous vote by the  
25 three-member election board, whereas the other --

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1 our surrounding counties, they've had unanimous  
2 votes, but in Marion County, we have not had that.

3 The way that we deal with that, with only  
4 having one satellite voting location -- or let me  
5 rephrase that. The way that the Election Board  
6 in 2018 has tried to deal with that moving forward  
7 is that they proposed a solution to that, and  
8 that's a vote center and satellite voting  
9 resolution, and the Election Board passed that in  
10 January of 2018, and it will take effect in 2019.

11 And some of the highlights of that  
12 resolution is that it creates a working group, an  
13 Election Administration Planning Committee. That  
14 Committee will study the transition of vote  
15 centers, and that transition will definitely  
16 happen with the 2019 pres -- or I'm sorry -- 2019  
17 election cycle. All polling locations in 2019  
18 will be vote centers, to the extent practicable.

19 Several -- several of those vote center  
20 polling places will be open for early satellite  
21 voting, and electronic poll books will be used as  
22 well. Now, again, I say several. The Election  
23 Planning Assistance Committee, they will recommend  
24 the number as well as the locations of those early  
25 voting locations or those satellite sites.

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1           The benefit of this new vote center  
2 resolution is that it will guarantee satellite  
3 voting in Marion County for the foreseeable  
4 future. For the past decade, the conversation in  
5 Marion County has always been, "Why can we not --"  
6 or "Why can't we have satellite voting?" That's  
7 been the consistent conversation since 2009. Now  
8 we're going to shift that conversation to, "How  
9 many satellite sites will we have, and where will  
10 we have them?" So, I do commend the members of  
11 the Marion County Election Board for coming up  
12 with a solution to finally move the County forward  
13 and move voting into the future.

14           Another challenge that we face here in  
15 Marion County is voter education. Some of our  
16 young voters, as well as those who were formerly  
17 incarcerated, they may not know all of the  
18 particulars of voting on election day, registering  
19 to vote, things of that nature.

20           The way that we try to address that is that  
21 we have a program called, "Why vote?" where we go  
22 into the high schools and we educate high school  
23 students on voting in Marion County. We let them  
24 register to vote as well, and we take an election  
25 machine, create a sample ballot, and give them

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1 that opportunity or that experience of casting a  
2 ballot, so that they -- when they show up to the  
3 polls on election day, they are election ready, or  
4 we call it, "Hashtag election ready."

5 That program has been, at least in my  
6 opinion, a huge success. It's been -- the high  
7 school students, they remember the information  
8 that we teach them, and many of them sign up to  
9 work the polls on election day, so that they are  
10 engaged with civics here in Marion County.

11 And I believe I am beyond ten minutes, so  
12 I'll conclude my remarks right here and let my  
13 other panelists speak.

14 Thank you for your time.

15 MS. CLEMENTS-BOYD: Thank you so much,  
16 Mr. Hollis.

17 And Ms. Horseman --

18 MS. CELESTINO-HORSEMAN: Okay.

19 MS. CLEMENTS-BOYD: -- are you ready  
20 to proceed?

21 MS. CELESTINO-HORSEMAN: I am, and I'm  
22 going to leave Tim the honor of being the last  
23 person between you and the door.

24 (Laughter.)

25 MS. CELESTINO-HORSEMAN: My name is

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1 Karen Celestino-Horseman. I am the representative  
2 of the Latino Caucus to the Indiana Democratic  
3 State Central Committee. I am here today to  
4 address the politics, which means I can say  
5 whatever I want.

6 And so, I want to say, first of all, that  
7 politics -- I hope you put in your report -- is  
8 the biggest factor, the most impactful factor, on  
9 voting in lots of different ways. And I think the  
10 issue that needs to be addressed here in Indiana  
11 is: Is it time to limit the politics? Because it  
12 certainly is affecting our voter turnout here.

13 In the 2016 presidential election, Indiana  
14 ranked 41st in voter turnout. In the 2014 midterm  
15 elections, we ranked 50th. Now, these numbers,  
16 voter turnout, usually turns on two things, and  
17 the first is that voters have to have a reason to  
18 turn out. They -- typically it's because of a  
19 candidate, an issue, something along those lines.  
20 And the political parties are the ones responsible  
21 for getting that kind of enthusiasm and such  
22 going.

23 But the other factor that impacts is the  
24 ease of voting. Is it difficult to get to the  
25 polling place? Am I able to get there between the

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1 hours that you're allowed to vote? Do I have the  
2 necessary ID? What do I have to do to get the  
3 necessary ID? And this is where the politics of  
4 voting comes in. Politics shapes the entire  
5 process.

6 Now, here in Indiana, we have a majority of  
7 Republicans statewide, and then we have the  
8 Democrats, and Democratic voters tend to be more  
9 blue-collar, working-class people whose time is  
10 more limited, who don't always have all of the  
11 same resources, so the political pundits and  
12 strategists will tell you that if you want to  
13 limit the Democratic turnout, then what you do is  
14 make it more difficult for them to vote.

15 Now, for example, polling places are open  
16 on election day from 6:00 o'clock a.m. to  
17 6:00 o'clock p.m. Imagine that you're a  
18 working -- single working mother with children.  
19 You've got to get up in the morning, get yourself  
20 ready, get the kids ready, get them to school, get  
21 to work, get off of work, go to the daycare to  
22 pick them up, take them home, and somewhere in  
23 there, you're supposed to vote. Now, that's  
24 difficult to do.

25 But think about here in Marion County if we



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1 had early voting centers, where people could pick  
2 the time that they go in and vote. Now,  
3 Mr. Hollis can't tell you the reason why we don't  
4 have them, but I can, and that is because in 2008,  
5 when Barack Obama ran, we had four satellite  
6 voting centers here in Marion County. The lines  
7 were out the door. People brought lawn chairs to  
8 sit to wait to vote, because that's how badly they  
9 wanted to vote.

10 And now, after that, the lone Republican  
11 member in this county of nearly a million people,  
12 one person stops nearly a million people from  
13 being able to get out there and vote at a vote  
14 center. Now, that's the politics, and quite  
15 honestly, I think it's rather shameful, and I  
16 think it's something that we need to address.

17 Now, right now, as Mr. Hollis pointed out,  
18 it takes three people. As Mr. Clifton pointed  
19 out, the Secretary of State believes it should be  
20 unanimous. I think that every county should be  
21 able to do vote centers. Right now we do have  
22 counties that do vote centers, which what that  
23 means is that they have early voting and vote  
24 centers.

25 So, those particular counties get a louder

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1 voice in the process, because they have the  
2 opportunity for more of their voters to turn out  
3 and vote. So, I think that -- I think that what  
4 we need to look at here is a change in the state  
5 law that allows counties to have vote centers  
6 equally amongst them, and not be dependent upon  
7 one person, a unanimous board, holding that up.

8 Now, another thing that we have here in  
9 Indiana is absentee voting. Now, you heard  
10 Mr. Hollis explain about how when you cast an  
11 absentee ballot by mail, well, you have to give a  
12 reason. Now, there's -- I don't know how many,  
13 but there's a list of reasons that you have to  
14 give as to why you cannot go to the polling place.

15 And it doesn't have an excuse on there,  
16 "I'm a single mother with children." It has on  
17 there, "I'm going to be at work 12 hours all day  
18 at the time that the poll is open," or something  
19 like, "I am a serious sex offender, so I can't go  
20 to the polling place." So, you have to do that,  
21 and then when you check that box, you have to  
22 affirm under penalties of perjury, which there --  
23 it's a criminal penalty, that this is true.

24 Now, the Indiana legislature recently had a  
25 bill that was offered that would have done away

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1 with that. I mean there are 27 states and the  
2 District of Columbia that do not require you to do  
3 that. But the Chairman of the committee that was  
4 supposed to hear it said, "I don't see any reason  
5 to do this, because I don't understand it to be a  
6 problem." No one has chosen to prosecute it at  
7 this time, but you are forcing people to lie,  
8 simply to exercise their Constitutional right to  
9 vote.

10 Now, the other issue that comes up is  
11 voter ID, and I'm sure you've heard all about the  
12 voter ID, and I'm sure you've heard that -- we  
13 enacted this voter ID law in Indiana even though  
14 we had no documented case of in-person voter ID  
15 [sic].

16 As a matter of fact, Mr. Hollis, you can  
17 cast a mail-in absentee ballot without having to  
18 provide any ID; correct?

19 MR. HOLLIS: That's correct.

20 MS. CELESTINO-HORSEMAN: So, think  
21 about it. How much harder it is to vote in person  
22 fraudulently than it is if you just mail it in? I  
23 mean -- but the reason why is because of the  
24 difficulty in getting the ID.

25 Now, in the case, for example, of my

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1 mother, my little 80-year-old mother, I had to  
2 take her in to get an identification card. She  
3 has a Medicare card. With that Medicare card she  
4 can collect thousands and thousands of dollars  
5 worth of benefits. But she can't vote with it,  
6 because it doesn't have her photograph, it doesn't  
7 have an expiration date, that type of thing.

8 So, to get her voter ID, I had to go to  
9 Colo -- call up to Colorado, go through all of the  
10 steps to get her birth certificate that cost me  
11 \$50, then I had to make sure I had a copy of her  
12 marriage license to show how her name changed,  
13 then I had to have a -- she was in assisted  
14 living, so she had no utilities, she had no credit  
15 card, she didn't really get any bills. All I had  
16 was her lease.

17 So, then I had to come up with some -- that  
18 lease along with something else to show that she  
19 was actually residing there. And I can tell you  
20 this: My mother would not have been able to get  
21 that ID if it had not been for me. You know, she  
22 could have cast a mail-in absentee ballot, but for  
23 my mother, at 80 years of age, who has never  
24 missed an election, the idea of not going to the  
25 polling place was offensive to her.

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1           So, we have this voter ID in place. If  
2   it's here to stay, then it's here to stay, but the  
3   least we can do then is to make sure that we have  
4   it so that people can actually vote. I mean  
5   voting is one of our most essential Constitutional  
6   rights. It is the basis upon which the  
7   Constitution is built. Yet we try to make it the  
8   most difficult right to exercise, and that's  
9   ridiculous.

10           Instead of having to have a state-issued ID  
11   card with a photograph and an expiration date,  
12   let's open it up. Let's make other kinds of  
13   identification acceptable. Why does it have to  
14   have a paragraph? Like I said, we don't have any  
15   documented cases of a person coming in and casting  
16   an in-person fraudulent ballot. So, why not let  
17   them do something else?

18           You know, we have situations where you have  
19   college students. College students at state  
20   universities can use their college ID's to vote  
21   because they're generated by the state, through a  
22   state university. Students at a private  
23   university, such as Notre Dame, they can't do  
24   that, because it's not issued by the state. So,  
25   why do we do that?

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1           Why don't we make it easier for people to  
2 go in and vote? Why don't we do things like on  
3 election day -- you know, there are over 16 -- I  
4 think it's 16 states and the District of Columbia  
5 that allow voter registration on election day. We  
6 could do something like that.

7           Now, the final thing in the voting impact  
8 with politics is the redistricting and  
9 gerrymandering, and as we all know, winning  
10 elections means power, so if politics can win you  
11 the election, it means that it wins you the power,  
12 and that's basically what political parties go  
13 after; right?

14           So, here in Indiana, we have a super  
15 majority in the Indiana House and the Indiana  
16 Senate, yet if you look at the Gubernatorial  
17 results from 2016, you would see that Governor  
18 Holcomb received approximately 1.4 million votes  
19 and John Gregg received approximately 1.2 million  
20 votes, and that was in a presidential election  
21 year with Donald Trump versus Hillary Clinton.  
22 So, certainly those numbers don't indicate that  
23 there is a super majority of Republicans within  
24 this state.

25           So, what happens when you have a district

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1     that is gerrymandered? Well, what happens is  
2     this: Hamilton County is an excellent example.  
3     It is a safe Republican county, to the point that  
4     Democrats don't even run in that county. So, if  
5     you draw a district that is so safely Republican  
6     you will get Democrats not coming out to vote.

7             If you draw it so that it is so safely  
8     Republican, you will also pretty much make sure  
9     that the incumbent wins, because who is going to  
10    challenge the party system in a strong Republican  
11    county like that, when you know that they're  
12    behind the incumbent?

13            So, what it comes down to basically, then,  
14    is a minority of people elect the representative,  
15    and that's not what our institution of voting,  
16    what our government, is supposed to be built upon.  
17    It's supposed to be built upon everyone being  
18    given one voice, one vote.

19            So, the problem, though, with  
20    redistricting, then, is that the parties don't  
21    trust each other, so neither party wants the other  
22    one to redistrict. So, the logical approach would  
23    have been, as the legislature was considering most  
24    recently, would be to have a third-party  
25    commission come in and draw the districts, but

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1 unfortunately, that, too, went by the wayside in  
2 the Indiana House.

3           So, those are some of the highlights.  
4 Being the political person, I get to say what I  
5 think, and I appreciate the opportunity to do  
6 that, and I don't know -- I know what the solution  
7 should be, but how you get -- because what it  
8 would involve to make the change is people giving  
9 up power, and people don't usually willingly give  
10 up power.

11           Thank you.

12           MS. CLEMENTS-BOYD: Thank you,  
13 Ms. Horseman.

14           Mr. Maguire, thank you for being here  
15 again, and when you're ready, please proceed.

16           MR. MAGUIRE: No problem. Thank you.

17           Well, thank you for inviting me here today.

18 My name is Tim Maguire. I'm the Chairman of the  
19 Libertarian Party of Indiana. As someone who  
20 represents thousands of Hoosiers who often feel  
21 left out of the political process, I can safely  
22 say that I bring a unique perspective to this  
23 panel. And I want to thank you guys again.  
24 Governing the process of voting is one of the most  
25 important duties of government, and I thank you



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1 for giving this important issue your focus.

2 So, first, the easy stuff, and, you know,  
3 it's -- a lot of this -- a lot of stuff my  
4 colleague just brought up. Voting centers, better  
5 access for the poor and disabled, expanded early  
6 voting, easier access to absentee voting, better  
7 voting hours for working folks, even letting  
8 jailed individuals -- or citizens vote.

9 These are obvious solutions to a system  
10 that has become embarrassingly outdated, so  
11 obvious that I'm shocked that we even have to  
12 debate these issues. Just because our current  
13 process worked a hundred years ago doesn't -- is  
14 not reason enough to resist changing it. Many  
15 citizens are denied the right to vote simply  
16 because they cannot get away from work, something  
17 more and more common in our fast-paced economy,  
18 exasperated by the fact that most people don't  
19 even work in the same areas that they live.

20 In addition to the important work of  
21 informing citizens of the importance of voting, we  
22 also need to do a better job of educating citizens  
23 on the responsibility to get informed, not only  
24 about the issues, but about the candidates on the  
25 ballot. I see every election cycle too many

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1 voters arriving at their polling place unaware of  
2 many local races that are on the ballot, and even  
3 how those local races affect their lives.

4 I appreciated Dr. Campbell's remarks in the  
5 earlier panel about educating our youth, but we  
6 also need to start educating them about the local  
7 government and how that fits into the state  
8 government, so they know what they're voting on  
9 when they show up and see, "Township Board" or  
10 County Councilors" on the ballot. Our state --  
11 minimally, our state and county election boards  
12 can make this easy by collecting and making  
13 available information beyond just the names and  
14 offices on the ballot each -- before election day.

15 So, now for the hard stuff.  
16 Gerrymandering. I cannot stress enough how  
17 destructive this issue has been to the democratic  
18 process. Most citizens today have been  
19 disenfranchised, and they -- and I run into these  
20 people every day. They refrain from voting  
21 because they don't believe that their vote will  
22 make a difference. Unfortunately, they are not  
23 wrong. It is unacceptable to let legislators pick  
24 their voters. Voters should be the ones picking  
25 their legislators.

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1           Independent and nonpartisan redistricting  
2 panels must be granted authority to redraw the  
3 lines, with no input or approval required by the  
4 bodies that are affected by such changes. The  
5 combination of safe districts and straight-ticket  
6 voting has resulted in seats being filled by  
7 long-time crony politicians who feel no pressure  
8 to listen to the will of the voters.

9           Many races in fact end up remaining  
10 unopposed in many election cycles, because it is  
11 obvious to the other parties that that race is  
12 unwinnable. This literally leaves the voters with  
13 no choice, no vote, and no voice in that district.  
14 This is not how our republic was supposed to work.  
15 Unfortunately, I have no faith in our current  
16 State House or State Senate to fix this  
17 themselves. I fear that they must be forced to be  
18 changed by an outside authority.

19           Finally, and most important to the people I  
20 represent, I need to address the problems, the  
21 partisan election problems, with the election  
22 laws, Indiana election laws. Now, I want to make  
23 clear that the officials at the Indiana Election  
24 Division have been very easy to work with and  
25 apply the law as fairly as they can.

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1           It is the laws themselves that they are  
2 given by the legislator that I am addressing.  
3 Today more than ever, most Americans are unhappy  
4 with the offerings of the old parties, yet newer  
5 and -- new parties and independents find  
6 themselves not only left out, but discriminated  
7 against throughout the political process, whether  
8 it's a candidate or a voter.

9           The old parties have written the election  
10 laws in such a way to make them the only major  
11 parties allowed by law, with all of the special  
12 privileges that that entails, and then they have  
13 set themselves up with different rules than  
14 everyone else, which makes it extremely difficult  
15 for any other party to supplant them.

16           Some things include the Indiana taxpayers  
17 are required to finance the nomination process for  
18 major parties, known as the primaries. Minor  
19 parties are left out of that process, and they  
20 have to organize and self-fund their own  
21 nominating conventions. Only major parties are  
22 allowed to make appointments to election boards,  
23 giving minor parties and independents no voice on  
24 how they are to be governed.

25           The voting histories of each voter is made

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1 available, the histories of which indicate which  
2 major party the voter chose during the primary.  
3 This gives the major parties information about who  
4 their voters are, making it easier to fund-raise,  
5 get out the vote, even recruit candidates. Since  
6 minor parties are not allowed into the primaries,  
7 no information about their supporters are  
8 available, which gives the major parties an unfair  
9 advantage. Even the rules governing access to  
10 voter history are different for the major parties  
11 than they are for everyone else. I've recently  
12 learned that our party will not be allowed access  
13 to those -- that information in off years.

14 Even just the complexity of the law has  
15 become so convoluted that the average citizen  
16 cannot navigate the process of running for office  
17 by themselves without the fear of incurring fines  
18 or getting kicked off the ballot. The campaign  
19 finance manual, which is supposed to make this  
20 process easier figuring out that, is 166 pages  
21 long. The candidate guide, which, again, is  
22 supposed to make this process easier, is 150 pages  
23 long.

24 Election officials themselves many times  
25 will have to research the law just to answer

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1 something as simple as when and how something  
2 should be filed, and answers will differ from  
3 county to county. I've heard comment after  
4 comment from citizens that the requirements of  
5 being a candidate is too difficult, and it's  
6 obvious that the law was designed to discourage  
7 everyone except the rich and connected from  
8 participating.

9 Now, you're here to hear about civil rights  
10 and how it relates to voting, so why am I going on  
11 and on about laws governing parties and  
12 independents and candidates? The least of all --  
13 at least a third of all Americans identify as  
14 independent. Many more have openly complained  
15 about the party that they're currently affiliated  
16 with, calling for new parties to be formed. And  
17 if you're concerned about low voter turnout,  
18 imagine what that -- what this kind of  
19 discrimination has on the mind of somebody who  
20 wants to participate in a party that's not  
21 currently in power.

22 We are guaranteed the right to assemble and  
23 form associations in this country, yet citizens  
24 who are not affiliated with the two groups in  
25 power are openly and legally discriminated against

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1 during the political process. Government  
2 discrimination in any form, including on the basis  
3 of political affiliation, should never be allowed  
4 in a free society, and never in a country that was  
5 founded on the ideals of individualism, as was  
6 ours.

7 I know this has been a long day for you, so  
8 I'm going to leave it there. I look forward to  
9 your questions, and again, I want to thank you for  
10 your time and interest in this important issue.

11 MS. CLEMENTS-BOYD: Thank you,  
12 Mr. Maguire.

13 And now we have time for questions, but I  
14 do want to advise the panel that although we do  
15 have some extra time, so to speak, that we want to  
16 be respectful and mindful of our panel that have  
17 been here for more than an hour. So, if we would  
18 ask a question, and if you're going to address  
19 that question to the entire panel, I would ask  
20 that you not ask a follow-up question. But again,  
21 we just want to be mindful of our panel.

22 MR. MCGILL: Thank you, Madam Chair.

23 Just one question. Bill McGill, for the  
24 record. Mr. Hollis -- no, Mr. Clifton; I'm sorry.  
25 So, has Secretary Lawson -- and again, I'm from

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1 Fort Wayne, so I'm not that familiar with a Marion  
2 County issue, but has the Secretary -- if I can  
3 assume from your statement, but is the Secretary  
4 on record saying that voting centers ought to  
5 happen in Marion County, or is she staying out of  
6 it?

7 MR. CLIFTON: The Secretary is on  
8 record saying vote center adoptions should be  
9 unanimous, we should come to an agreement, we  
10 should find out why one party doesn't support the  
11 adoption of a vote center and why the other does.  
12 And also, there are counties in Indiana where the  
13 Republicans want vote centers but the D's do not.

14 So, we need to strike that balance, and I  
15 don't think it's -- with all due respect, I don't  
16 think it's sufficient to say, you know, there was  
17 a "no" vote. We need to dig deeper about the  
18 analysis that went on behind that vote and the  
19 discussions that went on between the parties and  
20 what the -- you know, why can't we come to an  
21 agreement? There is a reason, and I think that it  
22 warrants further discussion on what the interests  
23 are.

24 MS. CLEMENTS-BOYD: Yes.

25 MR. DOUGLAS: Chris Douglas, and this



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1 is for Brandon. Thank you all. A voter made this  
2 observation to me. I spoke with her yesterday.  
3 She wasn't able to come and testify. It was a  
4 couple that registered to vote. They registered a  
5 new address at the BMV in 2015. They voted  
6 in 2016. They registered in Marion County, they  
7 voted in 2016.

8 In 2017, they -- the couple went to the BMV  
9 and changed their address to Henry County, which  
10 they believed to be temporary, while he lived with  
11 parents and she went abroad as a student, and they  
12 did not know that they had changed their voting  
13 address, and believed that they did not.

14 Then in February, she -- she read an  
15 article on Reddit that 400,000 voters had been  
16 purged, and that made her curious, and she went  
17 and checked on her Marion County registration, and  
18 it was gone. And she immediately reregistered,  
19 and within a day or two received a mailed  
20 confirmation.

21 They checked -- the husband had done  
22 nothing, but he had been pur -- or his  
23 registration in Marion County was not valid. I  
24 suggested they check their Henry County. No  
25 registration there. So, he had been completely

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1 purged.

2 And my observation is, our state  
3 Constitution says elections will be free and  
4 equal, and aside from the felony component, it  
5 says that if you're 18 years old and in essence  
6 have been in Indiana 30 days, it doesn't matter  
7 where in Indiana, but the impact is if you've been  
8 in Indiana 30 days, you're entitled to vote.

9 And there's a point at which, as a veteran,  
10 my blood rises when I think somebody who has a  
11 right to vote isn't able to vote because of  
12 negligence or poor gamesmanship by either party.  
13 And so, she was smart enough to go and check the  
14 situation out.

15 I am deeply afraid that a great number of  
16 people are going to be going to vote and finding  
17 that they don't have a registration. And what's  
18 more, our Constitution also says that the  
19 legislature will provide for registration of all  
20 entitled voters. So, what's the answer to this?  
21 I mean how does this happen?

22 MR. CLIFTON: Well --

23 MR. DOUGLAS: I mean wouldn't you  
24 agree that their rights as Hoosiers have been  
25 violated?

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1                   MR. CLIFTON: Well, I would agree that  
2     it warrants additional review, and I would love to  
3     take a look and see what happened with this  
4     particular registration, but this happens by way  
5     of litigation. You know, Indiana has experienced  
6     litigation for not maintaining clean voter rolls,  
7     and we do that, we engage in that effort, that  
8     bipartisan effort, to seat policy for how voter  
9     registration records that are inaccurate, invalid,  
10    or if the voter has not voted in two federal  
11    elections, how --

12                  MR. DOUGLAS: What was inaccurate or  
13    invalid about their registration when they were  
14    purged? According to the State Constitution, they  
15    have a right to vote in their previous residence  
16    if -- if they haven't registered there the new  
17    one. I don't understand that.

18                  MR. CLIFTON: Okay. With all due  
19    respect, I would love to take a closer examination  
20    of this particular voter, and I could -- I would  
21    be happy to follow up, but this is how it happens.  
22    It happens by way of litigation. So, Indiana,  
23    like I said, has been sued for not maintaining  
24    accurate voter rolls, and now that we're engaging  
25    in this process, we're also seeing litigation on

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1 the other side as well.

2 So, like I said, the policy by which voter  
3 list maintenance is administered in the State is a  
4 bipartisan process. That process -- by both  
5 Co-Directors of the Election Division, and then  
6 administered by the counties. So, the counties  
7 are responsible for the final review and  
8 examination as to whether that voter registration  
9 should be canceled.

10 MS. DAVIS: Tammi Davis, from Gary,  
11 Indiana. A question that is constantly -- has  
12 constantly come up today, of course, is the  
13 voter ID law, and even though Secretary Lawson was  
14 not in that position when it came about, and  
15 particularly given the role with the National  
16 Association, what is your office doing to address  
17 the consistent concerns with the costs affiliated  
18 with getting the voter ID?

19 And more specifically, there has been  
20 suggested that individuals that have to acquire  
21 documents for the purpose of getting an ID to  
22 vote, that the fees be waived, and so, I haven't  
23 heard a lot of conversations about that, so I'd  
24 like to hear what your position is on that.

25 MR. CLIFTON: Well, first, let me

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1 begin by saying that Indiana's voter ID law has  
2 been challenged with the United States Supreme  
3 Court and has survived that challenge because of  
4 the way Indiana and the Indiana legislature went  
5 in drafting that law, to be inclusive, so that no  
6 person was disenfranchised from receiving that  
7 identification.

8 And today, no such person has come forward,  
9 and I think that's a product of the manner in  
10 which this law was drafted. Again, it's any  
11 government-issued ID: State, local, federal,  
12 passport. You can get a free ID from the BMV.  
13 Multiple avenues in which an ID is available.

14 So, perhaps I'm forgetting the premise of  
15 your question, but Indiana's voter ID law is --  
16 we're constantly looking for ways to be more  
17 inclusive. If there are cases in which a person  
18 has been unable to get an ID, we want to know  
19 about it. So, perhaps you could repeat your  
20 question, because I don't think I'm being  
21 specific.

22 MS. DAVIS: It's not specific. I'm  
23 not sure if you could, but I think that given the  
24 amount of time and all of the content and the  
25 discussions around voter ID, the office definitely

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1     should be more prepared to address the question as  
2     to how to address the concern of the costs  
3     affiliated with getting a voter ID.

4             And it has been mentioned that someone can  
5     get a free ID, but that has come into question  
6     like how free it really is when it costs you bus  
7     fare to get to the location in order to get your  
8     documents. So, there is always a cost. It's not  
9     completely free.

10            MR. CLIFTON: Right. I may also add,  
11     you know, after voter ID was implemented, Indiana  
12     enjoyed its largest voter turnout ever in 2008.  
13     In 2016, Indiana enjoyed the largest number of  
14     voters, not by percentage, but of voters in the  
15     state. So, we've enjoyed two of Indiana's largest  
16     participation years in federal elections after  
17     voter ID went into pla -- or photo ID, excuse  
18     me -- photo ID went into place.

19            So, I think that participation is  
20     increasing, or as the candidates and the issues  
21     become more, I guess, stressed, perhaps, is the  
22     best word I can come up with, but that is the  
23     pivotal driver of what turnout is that we've seen.  
24     So, I would love to engage in further conversation  
25     with regard to photo ID in Indiana, how to expand

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1 it, what we can do to make it more available, if  
2 this panel so makes that decision and that  
3 recommendation.

4 MS. DAVIS: Madam Chair, I know we've  
5 got government and political. I had a government  
6 question and --

7 MS. CLEMENTS-BOYD: Just wait. Hold  
8 that. Okay.

9 MS. O'CALLAGHAN: Thank you, Madam  
10 Chair.

11 This is Patti O'Callaghan. I thought it  
12 might be appropriate to mention for the record  
13 that the Republican Party was invited to  
14 participate in the panel, too, so I thought we  
15 should make that clear. And I want to thank you  
16 all for coming, and I did have a question about  
17 voter ID, but I think I'll pass at this point,  
18 just with your assertion that the Secretary of  
19 State Office would look at ways to increase the  
20 ability to get photo ID.

21 MR. CLIFTON: Yeah. And again, you  
22 know, the law survived Constitutional challenge,  
23 and there has been a vigorous effort to challenge  
24 the law, and I think that's a credit to Indiana's  
25 legislature in drafting that law and being as

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1 inclusive as it has been. I think the law is  
2 extremely inclusive, but we're constantly looking  
3 for ways to do more.

4 MS. CLEMENTS-BOYD: I would like to  
5 ask Mr. Hollis one question briefly. You talked  
6 about the travel board that would vote individuals  
7 that are confined. Would that include individuals  
8 that are in jails?

9 MR. HOLLIS: That does in -- that  
10 includes individuals that are in jail that have  
11 not been sentenced.

12 MS. CLEMENTS-BOYD: That have not been  
13 sentenced?

14 MR. HOLLIS: Correct.

15 MS. CLEMENTS-BOYD: Okay. Thank you.

16 MR. HOLLIS: Can I add a comment  
17 about --

18 MS. CLEMENTS-BOYD: Sure.

19 MR. HOLLIS: -- voter ID? Mr. Clifton  
20 is exactly right that voter participation  
21 statewide has increased since the Bill Crawford  
22 lawsuit. However, I do want to point out that,  
23 you know, as the Indiana Star article --  
24 Indianapolis Star article pointed out in 2017,  
25 that that voter participation increase was not



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1 consistent among all 92 counties.

2           The voter participation here in Marion  
3 County decreased, and in that article, they  
4 interviewed a representative from the Hamilton  
5 County Election Board who mentioned that they --  
6 her exact quote was that the rise in absentee  
7 voting in Hamilton County was largely a result of  
8 the addition of two additional early voting sites.  
9 Here in Marion County, we lost two early voting  
10 sites, so I think that's still a factor in that  
11 equation as well.

12           MR. DION: I'm intrigued by this  
13 election board business, and I'd like to ask a  
14 couple of quick questions. Obviously when the  
15 Founders designed this Republic, they were worried  
16 about majority tyranny, but also minority factions  
17 running to the detriment of the rest of the  
18 populace.

19           Isn't it -- can't we all agree that  
20 unanimity is an unusually high bar to reach in a  
21 democratic arrangement? Unanimity, if it were  
22 required, would mean that we wouldn't have the  
23 Civil Rights Act of 1964. If we required  
24 unanimous agreement, no city government could  
25 function.

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1           And so, this notion that unelected election  
2 board functionaries can have one holdout and deny  
3 other people the opportunity to express their  
4 right to vote seems to be not the kind of  
5 direction the state needs to go, or a county needs  
6 to go.

7           And trust me, all of the members of this  
8 Committee are sensitive to the idea of not letting  
9 a majority run untrammelled over some minority,  
10 whatever it may be. It could be a minor party.  
11 We want to be fair to all concerned, but unanimity  
12 is an usually high bar. Wouldn't you agree with  
13 that, Ms. Celestino-Horseman?

14                   MS. CELESTINO-HORSEMAN: Yes.

15                   MR. DION: That was my way of asking a  
16 question.

17                   MS. CELESTINO-HORSEMAN: Yes. You  
18 know, and I think that requirement of unanimity is  
19 the politics. You have a predominantly -- a very  
20 predominant Democratic party here in Marion  
21 County, but a single Republican can stop us from  
22 having vote centers, stop our Democratic voters  
23 from being able to exercise their right to vote as  
24 easily as other people.

25                   So, when a Secretary -- Mr. McGill, I want

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1 to make clear, because you had prefaced your  
2 question saying that the Secretary of State  
3 supported early vote centers in Marion County, and  
4 your response that you got was that she supports  
5 unanimity. Unanimity is what has kept us from  
6 being able to have vote centers and early voting  
7 like that here in Marion County. So, I would  
8 disagree very much with that requirement of  
9 unanimity.

10 MR. MAGUIRE: If I could just add to  
11 that, and I just want to reiterate again, you  
12 know, that's a great point about the unanimous  
13 vote. My party is on the ballot. There are three  
14 parties on the ballot, and we have no voice on  
15 that board.

16 MR. CLIFTON: Again, if I could as  
17 well, 36 counties have adopted vote centers  
18 unanimously, so over -- what is that, over a third  
19 of the counties in the state? So, it is -- it is  
20 possible, and every year more and more counties  
21 adopt vote centers.

22 What unanimity gives you -- if it be the  
23 will of the General Assembly to go in a majority  
24 direction, so be it, but what unanimity provides  
25 is no matter what happens with the decision to

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1     implement vote centers, everyone is on board, and  
2     everyone is supportive and no one can undermine  
3     the other for any consequences that result, if  
4     there are any.

5             So, as a former county clerk, Secretary  
6     Lawson has been in that position of a clerk, has  
7     experienced the vulnerability associated with a  
8     partisan election board, and respectfully, sir,  
9     you know, it's -- the Secretary has been on record  
10    multiple times supporting that standard. But it's  
11    ultimately the will of the General Assembly, and  
12    that has been under discussion almost every year  
13    I've been with the office.

14            MS. DAVIS: Well, speaking of the  
15    General Assembly, we have a trifecta here in the  
16    State of Indiana, and I see a direct correlation  
17    between our political parties and the laws, that  
18    we continue to fight against discrimination in a  
19    matter of other ways. Political parties support,  
20    nominate, elect candidates who become our elected  
21    officials, who put into legislation the things  
22    that we're fighting against today.

23            So, given that we have a trifecta, what are  
24    the other political parties doing to combat that?  
25    One of the reasons why some people don't vote is

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1     because they don't have faith in the other  
2     political parties to put forth candidates that  
3     they would vote for, that would be strong enough  
4     to give us new leadership, to have new laws and  
5     legislation.

6             So, for our political parties that are  
7     represented, what can you do differently to  
8     address some of the voter apathy and the  
9     disenfranchisement that we were seeing here and  
10    discussing today?

11            MR. MAGUIRE: Well, I'll take that.  
12    We have been trying to work on that, and that's  
13    actually one of our biggest goals is to directly  
14    challenge the parties in power by putting forth an  
15    alternative for the voters. Unfortunately, as I  
16    said, you know, the cards are stacked against us  
17    and we are running an uphill battle on that.

18            But what we can do better is just  
19    continuing to do better at what we've already been  
20    doing, is putting forth credible candidates and  
21    running as best as we can. I've been focusing on  
22    the local elections, because that's our best  
23    chances of winning and getting into the system.  
24    But I mean we've got to get our citizens to demand  
25    from the legislature fair access for all voters.

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1 MS. CELESTINO-HORSEMAN: The  
2 Democratic Party is well aware of this problem.  
3 It is something that we discuss at our Central  
4 Committee meetings, and it is a challenge, because  
5 when you have gerrymandered district that are so  
6 heavily Republican, it's difficult to get good  
7 people to want to go in and become the sacrificial  
8 lamb. So, it's difficult to get them to do it.

9 And as Mr. Maguire noted, even amongst the  
10 Republicans in those districts, by having them so  
11 heavily Republican, it weighs in favor of the  
12 incumbent. You can't go out and raise the money  
13 that you need, because the incumbent -- people are  
14 going to give to the incumbent.

15 So, what we have been trying to do is we  
16 have been -- we've been supportive of the efforts  
17 to try and do third-party redistricting and stuff,  
18 and that looks like that's going to the wayside.  
19 But the other thing that we've been trying to do  
20 is we are going out and aggressively trying to get  
21 candidates at least in those areas where we have a  
22 chance.

23 And quite honestly, we think that the  
24 current political climate is going to perhaps  
25 hopefully open things up. Now, how long is -- we

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1 have a super majority of Republicans in the  
2 legislature, so we've got an uphill battle. We're  
3 trying to claw back to even numbers, you know,  
4 seat by seat, but it will take a while.

5 MR. DOUGLAS: So, this is for you.  
6 This is for you again, Brandon. So, you said that  
7 there was litigation that -- because voter rolls  
8 were inaccurate, that that produced litigation. I  
9 just want to be clear about that. Was it that --  
10 was the allegation in that litigation that the  
11 voter -- the inaccuracies of the voter roll were  
12 preventing people from voting who wanted to vote?  
13 Because you then said that then we've turned  
14 around and now it's a result of purging, in  
15 addressing voter rolls, now we have it coming from  
16 the other direction.

17 So, you're saying -- if I understand what  
18 you're saying, it's like the voter rolls had  
19 inaccuracies. The problem with the liti -- was  
20 the litigation associated with people not being  
21 able to vote who wanted to vote? It that -- was  
22 that the source of the litigation, or what was the  
23 source of the litigation with regard to the  
24 inaccuracies that now this purge is supposed to be  
25 addressing?

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1                   MR. CLIFTON: The inac -- it was  
2 before my time, but I think the original -- the  
3 genesis of the original effort to clean voter  
4 rolls was deceased voters on the rolls. I don't  
5 know and I don't recall. I'd have to call one of  
6 my colleagues and counsel --

7                   MR. DOUGLAS: Well, go ahead, if he's  
8 here.

9                   Do you want to --

10                  MR. KING: Okay. Members of the  
11 Committee, Brad King.

12                  MS. CLEMENTS-BOYD: You should  
13 probably come up to the mike.

14                  MR. CLIFTON: This is Brad King.

15                  MR. KING: Thank you, members of the  
16 Committee.

17                  The litigation that was referred to was  
18 brought against Indiana for failing to comply with  
19 federal law, the National Voter Registration Act  
20 of 1993, which was signed by President Clinton in  
21 the early days of his administration. That  
22 required essentially two things: The expansion of  
23 voter registration opportunities, and voter list  
24 maintenance to remove ineligible or inaccurate  
25 registration records from the rolls.



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1           Indiana was sued for failing to adequately  
2 perform the second function under that statute.  
3 In the end, the case was dismissed, but that was  
4 in fact the prompting for the litigation.

5           MR. DOUGLAS: So, that litigation  
6 failed or was dismissed; is that right? That  
7 litigation was dismissed, you said?

8           MR. KING: The state prevailed, that's  
9 correct.

10          MR. DOUGLAS: And so -- but there was  
11 no -- I mean here we have this -- a picture where  
12 people are being purged who have -- who have a  
13 right to vote in Indiana. I don't understand how  
14 what the office is doing now is advancing the  
15 cause.

16          MR. KING: I can speak on behalf of  
17 the work that my counterpart, Co-Director  
18 Nussmeyer and myself do. We continue to educate  
19 the local election administrators regarding the  
20 various failsafes and safeguards, that if a voter  
21 registration record is canceled or altered in a  
22 way that's erroneous, to protect the voter's right  
23 to vote.

24          Again, federal law comes into play. Any  
25 voter who shows up at a polling place where they

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1     formerly resided, or continue to reside, I should  
2     say, is allowed to vote a regular ballot upon  
3     making an oral affirmation that they have not  
4     changed the residence, that their registration was  
5     canceled in error.

6             There are also other safeguards, in the  
7     situation that's more complicated, for the voter  
8     to cast a provisional ballot, which in Indiana, a  
9     voter has up to ten days to provide information to  
10    the county election board. They'll sort out the  
11    problem so that their vote will count.

12            MR. CLIFTON: Mr. Douglas, if I may,  
13    in fairness, you've heard from Republican  
14    Co-Director. Would you like to also hear from  
15    Angie Nussmeyer, the Democrat Co-Director?

16            MS. NUSSMEYER: Good afternoon. Angie  
17    Nussmeyer, Co-Director at the Indiana Election  
18    Division, and I would echo Brad's sentiments, but  
19    I would also like to point out that "purge" is a  
20    four-letter word in my business -- or our  
21    business. We do not purge voter registration  
22    rolls -- or voter registration records in the  
23    State of Indiana.

24            So, to the example that you raised,  
25    Mr. Douglas, an individual's registration is

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1     either active, inactive, or canceled. So, we can  
2     actually research the reason why those individuals  
3     may not have been on the registration rolls,  
4     because they would be documented within our  
5     Statewide Voter Registration System.

6             Think of it as a very large case management  
7     system, where we can go in and actually look to  
8     see what may have happened at the county level.  
9     In interacting with the BMV, oftentimes there are  
10    matches made with individuals who have similar  
11    names, the county has to do some research to  
12    determine if records are merged, for example.

13            So, there could be a variety of reasons as  
14    to why that individual's record may not have been  
15    found. It could be the person who was doing the  
16    search in the county office didn't perform an  
17    exact-match search, or didn't look up by address,  
18    or there was an error in the data entry.

19            So, I really would invite you to take up on  
20    Brandon's offer to connect that individual with  
21    our office so we could do the research for it,  
22    because we do not purge a registration record from  
23    the system. It's canceled, for the very reason  
24    Mr. King stated.

25            MR. DOUGLAS: Okay.

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1                   MR. KING: I would briefly add that I  
2 agree entirely with what my Co-Director colleague  
3 has said. We do not purge, in the old-fashioned  
4 sense of that word. That was made illegal under  
5 the National Voter Registration Act I referred to.

6                   MR. DOUGLAS: Okay.

7                   MS. DAVIS: I'm sorry. So, you say  
8 you don't use the word "purge." That just sounds  
9 like methodology, but when you send the postcard  
10 and then it's sent to the address, and then a  
11 person has a certain amount of time before they  
12 respond, and if they don't respond, then they're  
13 sent a second postcard, and then if you don't get  
14 a reply, then it's something about after two  
15 election cycles, then they're canceled? So, just  
16 tell me how you define "canceled" versus "purged,"  
17 and the person still can't vote. Isn't it the  
18 same result, just a different vocabulary?

19                   MS. NUSSMEYER: So, I believe the  
20 program that you're referring to is our Statewide  
21 Voter List Maintenance Postcard Mailer, which I  
22 believe, and Mr. King can confirm whether or not  
23 that was a result of the litigation. Was that one  
24 of the --

25                   MR. KING: The litigation, yes.

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1                   MS. NUSSMEYER: Yes. And so, what we  
2 do is we send out that postcard to every active  
3 voter within the State of Indiana to their  
4 residence address, and it requires no action on  
5 the voter. If the voter is registered at that  
6 address, there's no action taken on that  
7 individual's registration record.

8                   If that card is returned for a litany of  
9 reasons that are defined in Indiana law,  
10 essentially USPS undeliverable, but there are  
11 stated reasons within state law, then a second  
12 card is mailed out to that individual, which  
13 allows them to do one of three things.

14                  Those one of three things would be: To  
15 confirm that they are currently registered at that  
16 address that they are registered at; it allows  
17 them to cancel their registration in the State of  
18 Indiana; it allows them to update their  
19 registration within their Indiana county. They do  
20 have 30 days to respond, and that's consistent, I  
21 believe, with federal law.

22                  Is that correct, Brad?

23                  MR. KING: That's right.

24                  MS. NUSSMEYER: So, it's consistent  
25 with federal law. If we do not receive that

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1 second card back within 30 days, or if the card is  
2 returned as USPS undeliverable, that individual is  
3 marked inactive in our Statewide Voter  
4 Registration System.

5 And an individual can flip their inactive  
6 to active as long as they vote in any election  
7 between two federal general elections. So, take,  
8 for example, if a voter was made inactive in  
9 January 2018, that individual could vote in the  
10 May 2018 election, the November 2018 election, the  
11 May 2019 election, the November 2019 election, the  
12 May 2020 election, or the November 2020 election,  
13 and have their registration flip back to active.

14 If they fail to vote in any of those  
15 elections, then they would be marked canceled, but  
16 again, their registration record remains in the  
17 Statewide Voter Registration System, for the very  
18 fact that if they would appear at their polling  
19 location on election day, or at an early voting  
20 location throughout the State of Indiana, and the  
21 poll workers or the county officials can't find  
22 their registration because they are -- their  
23 registration was canceled, then that person can  
24 make an affirmation that "I continue to reside  
25 here, even if I told you to cancel my

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1 registration." We will permit you to vote a  
2 regular ballot, and that's how that challenge or  
3 that issue is overcome at the polling place or  
4 during early voting, for example.

5 And Mr. King, I don't know if you have  
6 anything further to add.

7 MR. KING: You've covered it  
8 comprehensively.

9 MS. CLEMENTS-BOYD: For the sake of  
10 our record, if you have the procedure that you  
11 just explained that you could provide to the  
12 Committee that explains the process for making  
13 voters inactive or canceling them, we would like  
14 that for the record, if that's possible.

15 MR. DOUGLAS: And we had earlier  
16 testimony that I think this -- whatever took place  
17 was the result of legislation passed in 2016; is  
18 that right, that allows Indiana -- legislation was  
19 passed in 2016 allowing counties to remove voters  
20 immediately or something like that? You don't  
21 know what I'm talking about?

22 MS. O'CALLAGHAN: Crosscheck.

23 MR. DOUGLAS: Was that -- right,  
24 Crosscheck or something.

25 MR. CLIFTON: No. Let me --

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1 MR. DOUGLAS: Please.

2 MR. CLIFTON: -- be very clear.

3 Crosscheck is simply a source and a starting point  
4 for the process to begin. So, the State of  
5 Indiana receives potential registration  
6 duplicates -- maybe a better word is available --  
7 from Kansas, the Kansas Crosscheck program, and as  
8 a result, it begins the process to -- I'm going  
9 brain dead, maybe someone else --

10 MR. KING: The Kansas Crosscheck  
11 program, as it's referred to in shorthand, is  
12 something you may be familiar with from previous  
13 testimony, but let me just briefly describe it.  
14 It's been operational for more than ten years. It  
15 was begun originally with Kansas sharing  
16 information with neighboring states to identify  
17 duplicate registrations and duplicate voting in  
18 those states. It has since expanded to cover the  
19 number of areas from year to year, but  
20 approximately 20 to 30 states across the country.

21 In Indiana, when we receive information  
22 that there may be a voter whose registered in both  
23 Indiana and Kansas, we then screen that  
24 information to make certain that, to the extent we  
25 can of the information available, it's very likely



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1     that it's the same person. But regardless of that  
2     initial screening, it's then forwarded to the  
3     county that makes the determination as to whether  
4     or not, one, the individual should have that  
5     record in Indiana go through that inactivation  
6     process that the Committee heard about earlier.

7             The change in 2016, which is currently in  
8     litigation, was to allow a county voter  
9     registration office, once they make that  
10    determination that it is the same individual who's  
11    registered and perhaps voted in another state  
12    after their Indiana registration, to cancel that  
13    voter registration record, but the same safeguards  
14    I spoke of earlier would apply in that case.

15            MS. CLEMENTS-BOYD: We have to wrap it  
16    up.

17            Okay. Thank you all for being here, number  
18    one, and we know that we have gone over in time,  
19    and if there is a written transcript that you  
20    could leave with the committee, that would be  
21    appreciated, and some of the protocols and  
22    procedures for handling voters that you perceive  
23    to be no longer residents of the state or of a  
24    certain jurisdiction, if that procedure or process  
25    could be shared with the Committee, that would be

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1     beneficial as well.

2                   MR. HOLLIS: I have a question, Madam  
3     Chair. Can you refresh our memories on when the  
4     deadline for public comment or testimony is?

5                   MS. CLEMENTS-BOYD: Yes. The record  
6     is open until April the 2nd. I'm sorry; the open  
7     comment period? Is that what your question is?

8                   MR. HOLLIS: Or the period to submit  
9     written testimony.

10                  MS. CLEMENTS-BOYD: Yes, the record is  
11     open until April the 2nd.

12                  MR. HOLLIS: Perfect. Thank you.

13                  MS. CLEMENTS-BOYD: Thank you so much.

14                  I don't know if there are individuals from  
15     the public that wish to speak, and I don't think  
16     that there are. So, please allow me to thank our  
17     panelists. On behalf of the Indiana Advisory  
18     Committee, we certainly appreciate you being here  
19     today and sharing your information on voting  
20     rights, and for your information, this is the  
21     third of a three-meeting segment.

22                  Please call the Midwest Regional Office at  
23     312-353-8311 for more information, and again, the  
24     record will remain open until April 2nd of 2018.  
25     You may submit a written comment to

1     mwrointern2@usccr.gov, or mail to the U.S.  
2     Commission on Civil Rights at 55 West Monroe  
3     Street, Suite 410, Chicago, Illinois, 60603. If  
4     you did not register, please give your e-mail to  
5     Melissa or Nicole, and they will send you a  
6     follow-up of the information and the minutes --  
7     the transcript for the meeting today and any links  
8     to those records.

9             Again, I'd like to thank you for  
10    participating, to our panelists, to our dedicated  
11    staff, to our Committee, and again, to the Chair,  
12    Catherine E. Lhamon, and the U.S. Commission on  
13    Civil Rights for their leadership and for taking  
14    up this issue as their enforcement priority study  
15    for the fiscal year of 2018. And certainly if our  
16    public has left, in their absence, we certainly  
17    appreciate them being here and testimony that they  
18    provided.

19            So, with there being no further business, I  
20    will adjourn our meeting for today, and thank you  
21    all so much.

22                             -   -   -  
23             Thereupon, the proceedings of  
24             March 2, 2018 were concluded  
25             at 4:31 o'clock p.m.  
                              -   -   -

CERTIFICATE

I, Lindy L. Meyer, Jr., the undersigned  
Court Reporter and Notary Public residing in the  
City of Shelbyville, Shelby County, Indiana, do  
hereby certify that the foregoing is a true and  
correct transcript of the proceedings taken by me  
on Friday, March 2, 2018 in this matter and  
transcribed by me.

---

Lindy L. Meyer, Jr.,  
Notary Public in and  
for the State of Indiana.

My Commission expires August 26, 2024.

	<b>absentee-by-mail (2)</b> 132:14,25	<b>128:18;172:23;</b> <b>176:22</b>	<b>activists (3)</b> 111:12;168:6; 208:23	<b>67:11;81:10;95:17;</b> <b>112:20;137:16;</b> <b>145:3;146:25;</b> <b>149:12;151:4;</b> <b>220:25;247:20;263:8</b>
<b>\$</b>	<b>absolutely (4)</b> 76:12;102:23; 108:7;132:8	<b>Accounting (3)</b> 11:21;144:23; 146:8	<b>activities (7)</b> 13:25;88:23; 108:13;168:4;169:2; 7:188:6	<b>additional (12)</b> 18:17;20:23;21:1; 7:36:15;47:17;127:1; 131:12;220:21; 222:11;257:2;263:8
<b>\$50 (1)</b> 242:11	<b>abundance (1)</b> 188:3	<b>accumulate (1)</b> 187:15	<b>activity (8)</b> 11:11;25:18;28:21; 37:14;40:13;169:5; 194:10;219:19	<b>Additionally (1)</b> 69:2
<b>[</b>	<b>abysmal (1)</b> 13:1	<b>accurate (13)</b> 22:18;23:14;29:17; 83:5;90:25;93:10; 97:12,14;132:9; 200:24,25;202:2; 257:24	<b>actors (1)</b> 223:12	<b>address (27)</b> 24:13;25:5,9;41:5; 71:23;85:8;88:15; 124:16;127:2; 200:13;235:20; 237:4;239:16; 249:20;253:18; 255:5,9,13;258:16; 260:1,2;267:8; 273:17;274:10; 275:4,6,16
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1 Speaker 1: Please stand by, we're about to begin.

2 Good day and welcome to the US Commission on Civil Rights Indiana Advisory  
3 Committee conference call. Today's conference is being recorded. At this time, I  
4 would like to turn the conference over to Tammy Davis. Please go ahead.

5 Tammy Davis: Thank you, and good morning. This public forum of the Indiana Advisory  
6 Committee to the US Commission on Civil Rights shall come to order. For the  
7 benefit of those in the audience, I shall introduce my colleagues and myself. My  
8 name is Tammy Davis. I have the privilege of serving as the secretary of the  
9 Indiana Advisory Committee. Serving along with me are 13 other members that  
10 represent various parts of Indiana. Members on the committee that are also on  
11 this call are:

12 Diane Clements-Boyd on Indianapolis, who is also the Chair of the Indiana  
13 Advisory Committee. We also have Robert Dion, Christopher Douglas, and Ellen  
14 Wu. Also present on the call is Melissa Wojnaroski, who is a civil rights analyst  
15 with the US Commission on Civil Rights. With more than three members  
16 present, we have a quorum to proceed.

17 The US Commission on Civil Rights is an independent, bipartisan agency of the  
18 federal government charged with studying discrimination or denial of equal  
19 protection of the laws because of race, color, religion, sex, age, disability or  
20 national origin, or in the administration of justice. In each of the 50 states and  
21 the District of Columbia, an advisory committee to the commission has been  
22 established and they are made up of responsible persons who serve without  
23 compensation to advise the commission on relevant information concerning  
24 their respective states.

25 Today, our purpose is to hear testimony regarding voting rights in Indiana, in an  
26 effort to discern if there are discriminatory barriers to voting in the state.  
27 Among the responsibilities of each advisory committee is to inform the  
28 commission of any knowledge of information it has of any alleged deprivation of  
29 the right to vote, and to have the vote counted by reason of color, race, religion,  
30 sex, age, disability, or national origin, or that citizens are being accorded or  
31 denied the right to vote in federal elections as a result of patterns or practices  
32 of fraud or discrimination, and to also advise the commission concerning  
33 matters relating to discrimination or a denial of the equal protection of the laws  
34 under the constitution and the effect of the laws and policies of the federal  
35 government with respect to the equal protection of the law.

36 Through this study, and consequently, the purpose of the forum today, is to  
37 provide the Indiana Advisory Committee testimony and information to examine  
38 voting rights and voter participation in Indiana. Specifically the committee will  
39 examine the extent to which voters in the state have free, equal access to  
40 exercise their right to vote without regard to race, color, disability status,

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1 national origin, age, religion, and/or sex, and whether Indiana, in its application  
2 of its laws and regulations is meeting its equal protection obligations in accord  
3 with its own constitutional mandates on the topic of free and fair elections.

4 If speakers begin to veer away from the civil rights questions at hand to discuss  
5 possibly important but unrelated topics, I will have to interrupt and ask them to  
6 refrain from doing so. At the outset, I want to remind everyone that this  
7 meeting is being recorded and will be transcribed for the public record. I also  
8 wish to remind everyone that today's meeting is the final part of a four part  
9 series that the committee will hear on this topic. A web conference was held on  
10 February 12th, a community forum similar to this one today in Gary, was held in  
11 Evansville on February 17th, and on March 2nd, a full public hearing was held in  
12 Indianapolis where committee members heard expert testimony from panelists  
13 presenting legal, academic, advocacy, government, and political party related  
14 perspective. Again, the purpose of today's meeting is to hear from the  
15 community, it's leaders and residents, and aggrieved persons. We are thankful  
16 for those who have come to provide testimony today.

17 I would also like to present the ground rules for today's meeting. This is a public  
18 meeting open to the media and also to the general public. We will base the  
19 amount of time for each speaker based on the time available. Initially, each  
20 speaker will be allowed up to 10 minutes approximately. After each speaker has  
21 concluded their comments, the committee members, and only the committee  
22 members can ask clarifying questions. We kindly ask that everyone silence their  
23 phones and refrain from talking during the hearing. In addition, written  
24 statements may also be submitted by mail to the US Commission on Civil Rights,  
25 at 55 West Monroe Street, Suite 410, Chicago, Illinois, 60603. They may also  
26 submit written comments via email to mwrointern2@usccr.gov. For more  
27 information on submitting written comments, please contact the regional office  
28 at 312-353-8311.

29 Though some of the statements made today may be controversial, we want to  
30 ensure that speakers do not defame or defame any person or organization. As  
31 the presiding officer, I reserve the privilege to cut short any statements that  
32 defame, degrade or do not pertain to the issue at hand. Any person or  
33 organization that feels defamed or degraded by statements made in these  
34 proceedings may provide a public response only during the open comment  
35 period towards the end. Alternately, such persons or organizations can file  
36 written statements for inclusion in the proceedings. The Advisory Committee  
37 does appreciate the willingness of all speakers to share their views and  
38 experiences with this committee. Finally, once again, only the committee may  
39 ask questions of the individual after he or she has provided their prepared  
40 statement. Advisory committee members must be recognized by the presiding  
41 officer before asking any questions of a speaker.

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1 Please allow me to thank all of our speakers today. On behalf of the Indiana  
2 Advisory Committee to the US Commission on Civil Rights, we certainly  
3 appreciate your providing testimony on the topic of voting rights in Indiana. The  
4 information will be informative and enlightening. The record will remain open  
5 through April 2nd, 2018. Once again, if anyone would like to submit a written  
6 comment, please send it to mwrointern2@usccr.gov or mail to USCCR, 55 West  
7 Monroe Street, Suite 410, Chicago, Illinois, 60603.

8 And now, we will begin our testimony by individuals that have signed up.  
9 Anything else from the committee to add?

10 Chris Douglas: Nope.

11 Tammy Davis: Seeing none, I want to bring forth our first speaker, Mayor Karen Freeman-  
12 Wilson, the mayor of the City of Gary.

13 K FreemanWilson: Good morning. First, I want to take this opportunity to greet those members on  
14 the phone who are associated with both the Indiana Advisory Council to the US  
15 Committee on Civil Rights and, or to the US Civil Rights Commission as well as  
16 those who are staff associated with the US Civil Rights Commission. I also want  
17 to thank those who are in the room with me, with special congratulations to our  
18 own member, Miss Tammy Davis, on her reappointment and on her leadership  
19 of this call and this hearing.

20 I am here to talk about something that is very critical in the City of Gary, and  
21 something that we have been addressing over the last two years, and that is the  
22 structure and the efforts to reduce the number of precincts in the City of Gary.  
23 In the State of Indiana, the voting is done by precinct, and each precinct has a  
24 representative to an overall precinct organization and they are organized by  
25 party. But this really is not really about partisanship at all. It is about how do you  
26 count, how do you organize the precincts in a way to remove the barriers to  
27 voting.

28 We know that voting turnout all over the country, and certainly Indiana and the  
29 City of Gary is no different, has been abysmal. And it appears that the State of  
30 Indiana has chosen to use that abysmal turnout as a way to indicate that you  
31 should look at the number of people who come out to vote to determine the  
32 number of precincts in a city and that has adversely impacted the City of Gary,  
33 and so, whereas, in the past, it might have been easy to walk to their voting  
34 place, because they have increased the number of people in a precinct and they  
35 have determined that who votes in a precinct and not who is registered in the  
36 precinct is the litmus test, we have seen the number of precincts go down, and  
37 we have seen there be a greater distance between a person's residence and the  
38 place that they vote. So, at one point you could walk to your voting place, now,  
39 almost everyone is required to take a ride, or to get a ride.

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1 The other impact on that is that the precinct organization often determines any  
 2 interim candidates. For instance, if someone resigns or if someone is removed  
 3 from office, that vote is determined by precinct. Historically, Gary has had a  
 4 significantly sized voting block and has had a lot of impact in determining who  
 5 those candidates are on a county-wide basis. Because of the way that they have  
 6 now determined the precinct and the number of people who make up a  
 7 precinct, we have gone from having over 100 people in a position to vote in the  
 8 precinct organization to having less than 70, so that is a significant dilution. I  
 9 would say also it is a significant dilution, that if not intended to be  
 10 discriminatory, it does have the impact of being discriminatory given the  
 11 disproportionate number of African-Americans who reside in Gary versus the  
 12 other parts of the county. In fact, Gary has the highest concentration of African-  
 13 Americans in Lake County and so, the change in how the precinct organization is  
 14 structured and how many people make up a precinct has a disproportionate  
 15 impact on African-Americans in the City of Gary.

16 So, I wanted to raise that to the committee. I would like for that to get national  
 17 attention. I do know that the NAACP who is one of the co-conveners of this  
 18 meeting is keenly aware of that and we have raised this to the level of national  
 19 attention, but I believe this is a bipartisan issue that not only the NAACP but the  
 20 US Commission should be involved in because it does impact the  
 21 disenfranchisement of voters. We have seen a pattern, you've seen voter ID,  
 22 you've seen the effort to keep people from voting, not only from voting but  
 23 from registering, and I think that this is yet another barrier to keep people from  
 24 accessing the ballot box and exercising their right to vote. So, again, thank you  
 25 for convening this hearing. Ironically, at the same time of this hearing is a  
 26 meeting of the precinct organization that I have to attend, but I did not want to  
 27 miss the opportunity to address this august body, and I thank you for that.

28 Tammy Davis: Thank you, Mayor. Committee members, are there any statements or  
 29 questions?

30 Ellen Wu: This is Ellen Wu. I have a couple of questions, for-

31 K FreemanWilson: Yes

32 Ellen Wu: the mayor.

33 Thank you, Mayor Wilson. I just had a clarification question and an information  
 34 question. And so, I understand you to say that the three things the organization  
 35 has resulted in increasing the number of people per precinct, and then lowering  
 36 the number of precincts, is that correct.

37 K FreemanWilson: So, yes. It lowers ... yes ma'am. What has happened is it has increased the  
 38 threshold for the number of people that make up a precinct. So, previously  
 39 there were 300 people in a precinct. Now they're saying, well, you need 600

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1 people, and what that does, it creates more distance, and it does reduce the  
 2 number of precincts as well.

3 Ellen Wu: OK, so, while I'm on that, I just wanted to make sure I understood what you  
 4 said. You had stated that the number of folks had gone from 100 to 70, are you  
 5 saying there that the number of folks from Gary, is now, could you just clarify  
 6 that, and then-

7 K FreemanWilson: Sure

8 Ellen Wu: And then my final question would be, could you give us a sense of how, what is  
 9 the percentage of Gary that is dependent on public transit, right, so the folks  
 10 that, the ones who can no longer walk to their precincts, I mean, how many  
 11 people are we talking about?

12 K FreemanWilson: Absolutely. So, when I talk about the reduction of the number from 100, over  
 13 100, to less than 70, I'm talking about the number of precinct committee  
 14 people, and so each precinct is represented by a precinct committee person.  
 15 And so, historically, you have had over 100, I believe the number is actually  
 16 most recently 102. Now, that number, and it has actually not been reduced  
 17 permanently, but the Secretary of State has been charged with making that final  
 18 reduction because it could not be agreed upon at the county level. The final, or  
 19 the proposed reduction, shows Gary having less than 70 representatives in the  
 20 precinct organization. And I would, based on my knowledge, and work with the  
 21 Gary public transit corporation, the number of people who are dependent on  
 22 public transportation in the City of Gary is approximately 40 percent. The  
 23 number of people without personal transportation, however, is closer to 60  
 24 percent.

25 Ellen Wu: Thank you very much.

26 Tammy Davis: Anything else from any other-

27 Chris Douglas: This is Chris Douglas-

28 Tammy Davis: Okay. Go ahead Chris.

29 Chris Douglas: Yes, this is Chris Douglas. So, what percent of Lake County population does Gary  
 30 represent and what percent therefore, does it all come out that whatever  
 31 percent of Lake County, I hear everything that you're saying and respect that.  
 32 I'm trying to get a sense of how big, I'm down in Indianapolis, how big is Gary  
 33 compared to Lake County in population [crosstalk 00:19:42]

34 K FreemanWilson: Gary represents about 20 percent of Lake County now.

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- 1 Chris Douglas: Okay. Thank you.
- 2 Tammy Davis: Any other committee members?
- 3 D ClemensBoyd: Good morning, good morning Tammy. This is Diane Clemens-Boyd, and just one  
4 clarification. I am in Evansville, and not in Indianapolis, but-
- 5 Tammy Davis: Oh, I'm sorry.
- 6 D ClemensBoyd: Thank you again, Tammy, for your hard work in coordinating this forum, and  
7 Gary was on our radar when we started this initiative and we know that there  
8 was some issues and you've successfully pulled together a wonderful  
9 organization of folks to tell us about that. And Mayor Wilson, thank you for your  
10 testimony this morning. I have one question and that would be, what has the  
11 sense on the ground, the people who have had to go to different precincts or  
12 voting centers to vote, were they aware, were they given adequate notification  
13 where they could now vote, if their voting location was eliminated, and what  
14 was the sense of the voters in Gary as a result of that change?
- 15 K FreemanWilson: I would say that there has been an increasing sense of uncertainty about where  
16 to vote, and a lot of that is associated with the fact that much of that  
17 information is listed in traditional print newspapers, but people, in fact, many  
18 people don't get their information that way. So, because there has been  
19 changes, and this has been even separate and apart from the changes in the  
20 precinct structure, there has been many changes in voting places, and people  
21 often go to the place that they have become accustomed to, and they don't  
22 have any updated information about the new location.
- 23 D ClemensBoyd: Thank you.
- 24 Chris Douglas: This is Chris Douglas with another question if I may. And Mayor, this is out of  
25 your bally wick, but you've raised the question, and I'm curious whether you  
26 happen to have the figures available to you. Do you have any idea in other  
27 major cities, in Indianapolis in particular, in Indiana, rather, in particular in  
28 Indianapolis, what percent of the population, let's say in Indianapolis, is reliant  
29 on public transportation or has no personal transportation? Do you happen to  
30 know?
- 31 K FreemanWilson: I do not. I do not, but I can-
- 32 Chris Douglas: Okay.
- 33 K FreemanWilson: I can access that pretty readily.

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1 Chris Douglas: That would be great to get that information for some of Indianapolis' other  
2 areas.

3 K FreemanWilson: Okay. I will take that away as my homework.

4 Chris Douglas: Thank you.

5 Tammy Davis: So, Chris, as a follow-up, are you looking at that across the state, not just in  
6 Gary, but as we put together a report of incorporating the percentage of  
7 residents that are on public transportation?

8 Chris Douglas: Yes, I think that information could be valuable, very much so, beyond Gary.

9 K FreemanWilson: I can get that information for you.

10 Tammy Davis: Alright, thank you Chris. Any other committee members?  
11 If not, thank you Mayor-

12 K FreemanWilson: Thank you.

13 Tammy Davis: For your testimony.

14 Chris Douglas: Thank you, Mayor

15 K FreemanWilson: And thank you to the members of the committee. We appreciate you. Have a  
16 great day.

17 D ClemensBoyd: Thank you.

18 Tammy Davis: Okay. The next person that we have signed up to provide testimony is Thomas  
19 Newsome on behalf of NAACP, Gary's NAACP branch. Mr. Newsome?

20 TNewsome: I would like to echo what the mayor said that a lot of times people don't know  
21 where they are to vote because everything has changed. People come to a  
22 voting place and they're no longer voting in that same location and I feel it's a  
23 problem primarily with the Gary community because we have a lot of transient  
24 population, people who move from one place to another, unlike a lot of the  
25 other communities in Northwest Indiana where there's a more stable  
26 environment. And because of that, people who want to vote, you put another  
27 barrier in their way as to the reason why they don't vote. And a lot of times, a  
28 lot of people feel that their vote does not matter, the vote does not count, that  
29 things are gonna always be the way that they've always been. And that's my  
30 concern, primarily, that we need to have stable precincts, stable places where  
31 people know in advance where they are going to go to cast their vote.



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1 Tammy Davis: Okay. Any questions from committee members?

2 Chris Douglas: Yes, this is Chris Douglas again. Thank you, Mr. Newsome. The Indiana State  
 3 Constitution, I think, says that virtually that a resident of Indiana is, that  
 4 anybody who has been in Indiana 30 days as a resident has a right to vote. Do  
 5 you have, you've said that Gary has more of a transient population, by that, I  
 6 assume that means people that may have been here ... first of all, I guess, how  
 7 would you define transient? And then, can you quantify that, that is to say, what  
 8 percentage do you mean and then also, with regard to the same questions to  
 9 Mayor Wilson, to the degree that you could provide those percentages for other  
 10 parts of Indiana, that would be helpful too.

11 Tammy Davis: Chris, just want to let you and the other committee members know that the  
 12 Mayor had to leave. That she mentioned the Gary precinct organization is  
 13 having a meeting at the same time as our meeting so she has left. But there are  
 14 some follow-up then we can definitely can circulate that to us when we have  
 15 our committee conference call.

16 Chris Douglas: Right. I guess what I was asking of Mr. Newsome is, I think that, I agree that  
 17 everybody that has been in Indiana more than 30 days according to our state  
 18 constitution as a resident, has a right to vote. So, I think, I assume that Mr.  
 19 Newsome means that a transient population is somebody that has been here at  
 20 least 30 days, but how long does transient mean? And then, it's helpful to know,  
 21 if there's a significant impact on people who have a right to vote, that are  
 22 characterized as transient, it would be helpful to define what transient means  
 23 and quantify that, if we could, and not just in Gary, but in places like  
 24 Indianapolis, but certainly Gary.

25 TNewsome: Well, what I'm trying to say people move quite frequently.

26 Chris Douglas: Right.

27 TNewsome: And sometimes [crosstalk 00:28:10]

28 Chris Douglas: I respect that statement, the question is, and I would credit that statement, the  
 29 question is, can we quantify that statement? Can we quantify that in any way,  
 30 for the report?

31 Tammy Davis: Is that a question, Chris, is that a question for him specifically, or is that a  
 32 question again relative to the residents?

33 Chris Douglas: Yes, well it could be for Mr. Newsome if he has access to that data, otherwise, I  
 34 would say that would be helpful data to have. What do we really mean when we  
 35 say, yeah-

36 TNewsome: At this time, I don't have it.

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1 Chris Douglas: If you can provide it, if the committee could request you, if you could help us  
 2 obtain that data, that would potentially be helpful.

3 TNewsome: Okay, thank you.

4 Ellen Wu: This is Ellen Wu. Thank you, Mr. Newsome, for your testimony. I just have a  
 5 related question. I completely recognize the problem you're highlighting here,  
 6 the problem of transients and then the difficulty with the transient population  
 7 understanding where to vote, especially if that place keeps changing. And so, I  
 8 wonder if you could just provide some information about your sense of where  
 9 people in Gary, in general, get this kind of information? I think the mayor said  
 10 earlier, that most people don't read print newspapers. And so, I feel that would  
 11 be a helpful question so we could understand where there might be problems  
 12 with outreach, especially if this pattern of changing voting locations persists.

13 TNewsome: Well, I would assume that they get their information, should get it from their  
 14 precinct committeemen, who has the obligation to let the voters in this precinct  
 15 know where they're supposed to vote.

16 Ellen Wu: Okay, thank you.

17 Chris Douglas: If it's okay, this is Chris Douglas again. Mr. Newsome, are you familiar with, I feel  
 18 as though we've heard some concerns about although voters getting erroneous  
 19 information. Are you aware of any such issues?

20 TNewsome: No, I'm not. However, if people have some type of issues in their past that they  
 21 may not want to come to light, they may have given some erroneous  
 22 information, but I have no knowledge of that.

23 Tammy Davis: This is Tammy, if I may add a clarifying point when it comes to transient persons,  
 24 sometimes we have a tendency to define transient as homeless, and the  
 25 transient population would also include women, children, families, that have  
 26 suffered through domestic violence, and they are no longer at their place of  
 27 residence, but they're staying at a facility where their address, of course, if  
 28 protected. But that is a population that is in transition, but may also qualify as  
 29 being transient. So we want to make sure that we take that population of voters  
 30 into consideration as well when we're talking about reaching those types of  
 31 populations.

32 Chris Douglas: Right, and I think additionally, it's those individuals that may not be homeless,  
 33 they've been on the street, but are certainly forced to make changes in their  
 34 housing accommodations. That have a hard time having their address really  
 35 keep up with them, so to speak. I'm familiar with that, that problem. I'm  
 36 wondering how we can quantify it. That's all from me. Thank you.

37 Tammy Davis: Okay, thank you Chris.

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1 Are there any other questions from the committee with Mr. Newsome, who's  
2 representing the Gary NAACP branch?

3 Ellen Wu: This is Ellen Wu, could I just ask one more question? Hopefully it's not a long  
4 one.

5 Tammy Davis: Yes, go ahead Ellen.

6 Ellen Wu: Yes, Mr. Newsome, I just wondered if you could briefly tell us about how NAACP  
7 in Gary has been trying to address some of these issues.

8 TNewsome: Well, we've constantly gone out for voters registration and different events,  
9 we've registered voters. But, I think it remains an issue of, not only getting  
10 voters registered to vote, but actually seeing that they do vote, and that they're  
11 taken to the polls in order to vote. And so, that's the piece that we're working  
12 with so that people votes are not enfranchised, for a lack of a better way of  
13 saying it.

14 Ellen Wu: Okay, thank you.

15 D ClemensBoyd: [crosstalk 00:34:29] This is Diane, I have one question for Mr. Newsome. Mr.  
16 Newsome, has the NAACP in Gary taken on an outreach to inform the  
17 community of the change in voting location?

18 TNewsome: Well, I'll be honest, to my knowledge, I do not know that, but I will follow up on  
19 that.

20 D ClemensBoyd: Thank you for your testimony.

21 TNewsome: Thank you.

22 Chris Douglas: This is Chris Douglas. May I ask another question, this is Chris Douglas.

23 Tammy Davis: Go ahead Chris.

24 Chris Douglas: Thank you. And I invite the chairwoman to cut me off if this wanders too far off  
25 field, but we've had in other testimony in other locations, a discussion of the  
26 importance in civic education and the question I have for you, Mr. Newsome, is  
27 as a resident of Gary, or are you a resident of Gary?

28 TNewsome: Yes, I am.

29 Chris Douglas: So, and if you have any perspective on this, can you advise the committee of  
30 your observation of the degree to which children in schools are being taught

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1                   about the democratic process and how to participate in it? The state of civic  
2                   education as you observe it, in Gary.

3    TNewsome:       Well, I do work in the Gary school system, I am a Gary teacher. However, I work  
4                   at the middle school level, and not at the high school level, but we're trying to  
5                   get into the high schools and register children to vote, especially those who are  
6                   going to be eligible to vote, by the time they need to register. But, as far as  
7                   teaching the civics engagement in high school, I'm not privy to that information,  
8                   cause I don't get a chance to-

9    Chris Douglas:   So, for consideration sake, I observed that I myself-

10   TNewsome:       But, I'll tell you one thing, we're going to cause that to be a focus to reach these  
11                   young people in the high school so that they'll be ready.

12   Chris Douglas:   I've observed in ... I mention this as comparison just so that you understand the  
13                   question whether you can observe, make any observations, I don't know  
14                   whether times have changed, but when I was in elementary school, which was a  
15                   public elementary school, we had exercises even about presidential elections,  
16                   and went through mock elections incorporating even the concept of the  
17                   electoral college, and then in the high school level we were shown even how to  
18                   vote on the actual voting machine. I'm curious whether that kind of education,  
19                   whether you are aware of or observed any kind of education like that. It sounds  
20                   to me like you're not personally aware-

21   TNewsome:       Well, yes, we have done that in the past. However, I don't know if we're doing it  
22                   today. And when I came up, I came up through the civil rights era, so the very  
23                   big push for young people to get engaged in political action.

24   Chris Douglas:   To the degree that you're understanding, now that you're yourself a teacher, to  
25                   the degree that you had helped the committee understand what kind of civics  
26                   training the children in Lake County and Gary get through the school system,  
27                   that would be valuable to us.

28   TNewsome:       Well thank you. I think it would be valuable to all of us.

29   Tammy Davis:     And just additionally to add, Chris, as a part of the outreach for this meeting, we  
30                   did send invitations to members of the Gary school board as they are now, and  
31                   there was an invitation to former superintendent Dr. Cheryl Pruitt, who plans to  
32                   submit written statements.

33   Chris Douglas:   Great, and if Mr. Newsome can help us with that, and if the superintendent  
34                   understands that part of the question relates specifically to civics, that would be  
35                   really great.

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1 TNewsome: Thank you so much for the question. Thank you. Appreciate you. I thank you for  
2 the input.

3 Tammy Davis: Are there any other questions for Mr. Newsome?

4 If not, thank you very much for your testimony.

5 TNewsome: Thank you.

6 Tammy Davis: Next we have to speak representing Senator Donnelly's office, Hodge Patel.

7 Hodge Patel: Good morning, my name is Hodge Patel, H-O-D-G-E and then the last name is  
8 Patel, P-A-T-E-L. I am Senator Donnelly's State Director. I'm based in  
9 Indianapolis, and I've been on his staff for about 11 years. And he asked me to  
10 read this prepared statement, and it reads as follows:

11 "Dear Indiana Advisory Committee to the US Commission on Civil Rights,

12 When the Supreme Court struck down the Voting Rights Act pre-clearance  
13 coverage formula in Shelby County vs. Holder, it determined a statute which, for  
14 decades, protected Americans from voter discrimination. The Voting Rights Act  
15 requires jurisdictions that have a history of voter discrimination to pre-clear  
16 changes to their voting laws with the Department of Justice or US District Court  
17 of the District of Columbia. In Shelby County, the Supreme Court invalidated the  
18 coverage formula that determined which jurisdictions would be subject to the  
19 pre-clearance requirements. As a result, until Congress enacts an updated  
20 coverage formula, the Voting Rights Act pre-clearance requirement has no  
21 effect.

22 At the federal level, we need to revitalize this important protection to help  
23 ensure Americans can exercise their right to vote. In the Senate I supported the  
24 Voting Rights Advancement Act, which would create a new coverage formula  
25 and restore the full strength of the Voting Rights Act. Whether it be through the  
26 Voting Rights Advancement Act or another piece of legislation, Congress needs  
27 to have this important conversation about how to ensure the Voting Rights Act  
28 provides strong protections for Americans across the country.

29 When people are denied the right to vote on a discriminatory basis, our  
30 democracy is harmed. In addition, like many of you, I have been incredibly  
31 concerned that Indiana's voter turn out in recent years has been among the  
32 lowest in the nation. As your committee examines concerns regarding access to  
33 voting in our state, I urge you to consider what more can be done to make  
34 voting more convenient for all Hoosiers, and to make it easier to register to  
35 vote.

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1                   Several years ago, I had the privilege of being able to participate in the civil  
 2                   rights pilgrimage to Selma, Alabama, to mark the 50th anniversary of Bloody  
 3                   Sunday. Joining civil rights leaders in a walk across the Edmund Pettus bridge to  
 4                   reenact the historic march was a moving and meaningful experience. I'm  
 5                   inspired by the courageous men and women who have fought for the right to  
 6                   vote and those that continue to fight today to ensure that meaningful  
 7                   participation in our democracy is not denied on a discriminatory basis.

8                   Thank you to the members of the committee for your participation in this  
 9                   important process of identifying and understanding barriers to voter access and  
 10                  participation in Indiana. I also want to acknowledge all of the people who have  
 11                  contributed feedback. I am hopeful that if we all work together and continue to  
 12                  be engaged, we can protect access to the rights of voters and find ways to make  
 13                  it easier for Hoosiers to exercise this important right.

14                 Sincerely, Joe Donnelly, United States Senator."

15                 Thank you.

16    Tammy Davis:       Thank you, Mr. Patel. To the committee members, are there any follow up  
 17                            questions or comments that he could bring to the Senator?

18    D ClemensBoyd:    Thank you for the statement.

19    Hodge Patel:        Certainly, and this is gonna be, submitted, it already has been actually, the  
 20                            statement's been submitted, so, thank you for your time.

21    Tammy Davis:       Thank you so much.

22    Chris Douglas:      Thank you.

23    Tammy Davis:       Okay. Next, we have Mr. Jim Harper.

24    Jim Harper:         Good morning, my name is Jim Harper. I am from Valparaiso, Indiana in Porter  
 25                            County, not too far from here. I am an attorney there, I'm also a candidate for  
 26                            Indiana Secretary of State. I mention that only because it gives me the benefit of  
 27                            traveling around Indiana for the last several months and talking to people in  
 28                            different counties about the voting practices they have, and some of the issues  
 29                            they have in parts of our state as it pertains to access to the ballot. I know that  
 30                            one of the topics of this committee hearing is equal protection issues, and as  
 31                            I've gone around the state, there have been some things that I have seen that ...  
 32                            a couple of issues in particular that I'd like to talk about that raise equal  
 33                            protection issues for me, and I hope the committee will consider, because I do  
 34                            think that some of the things that make it hard for people to vote in certain  
 35                            localities fall disproportionately on certain parts of our state, and those tend to  
 36                            be the larger, more urban communities.

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1 I'm sure when the committee was in Indianapolis, you heard complaints and  
2 concerns about the early voting situation in Indianapolis. Indiana is fortunate  
3 enough to have a process whereby voters can go in person and vote before  
4 election day, in the month running up to the election. Unfortunately our state  
5 law gives, has allowed certain counties to have far fewer early voting sites than  
6 others, so in Marion County, for instance, which is by far the largest county in  
7 this state, there is one early voting site, and only one early voting site. If you go  
8 to the counties around Marion County, they all have several early voting sites.  
9 Up here in Lake County, fortunately, there are several early voting sites. In my  
10 county of Porter County, which has about 20 percent of the population of  
11 Marion County, there are five or six early voting sites. Also, of course, Marion  
12 County happens to be, and I think the committee is right on trying to get the  
13 statistics on this, and I don't have them, a county where more people are reliant  
14 on public transportation, and so that trip across town or downtown to an early  
15 voting site poses a disproportionate burden on a lot of Indianapolis voters.

16 The other issue that I think raises a particular equal protection concern, and that  
17 I hope the committee will consider, is the precinct consolidation here in Lake  
18 County. The mayor spoke very well to that. I think it is worth noting that the  
19 precincts will be consolidated here in Lake County because of a state law that  
20 applied only to Lake County. There are, that state law required the consolidation  
21 of precincts if fewer than 600 voters, there are precincts across the State of  
22 Indiana that had fewer than 600 voters, however, this law applied only to Lake  
23 County and I think that, whether intentional or not, there's certainly is a  
24 discriminatory impact to that law.

25 It's also worth noting that as the processes going forward now, state statute  
26 directs the Secretary of State to develop a plan to consolidate those precincts,  
27 and it does concern me that this certainly could happen without the input of  
28 people here in Lake County who are directly impacted by the consolidation of  
29 precincts. If we're going to consolidate these precincts, the very least, we need  
30 to be working with people in our communities, in the communities that are  
31 directly affected, to come up with a plan that poses the least disruption to  
32 voters, and to make it as easy as possible for individuals who might have limited  
33 access to transportation to get to the polls.

34 So I hope that the committee will consider, when they are looking at certain  
35 practices around the state, consider the disproportionate impact that some of  
36 those practices have on particular counties and how some parts of the state,  
37 how it's frankly harder to vote in some parts of Indiana, than it is in other parts  
38 of Indiana. And I thank you for giving me just a few minutes to share these  
39 concerns with you.

40 Tammy Davis: Thank you, Mr. Harper. Are there any questions for Mr. Harper from any of the  
41 committee members?

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- 1 Chris Douglas: This is Chris Douglas. I do have a question.
- 2 Tammy Davis: Alright, go ahead Chris.
- 3 Chris Douglas: So, Mr. Harper, as you have traveled around Indiana, on this question of equal  
 4 protection, I believe the charter of the committee on this score has a couple of  
 5 different angles, and one is certainly addressing discrimination along the lines of  
 6 identified classes, but it also speaks to advising the commission on issues of  
 7 equal protection of the law, which, and I'm not an attorney, which, I think, can  
 8 go beyond the question of the identified classes, and as you have circulated  
 9 about Indiana, the question I have is, does this question of equal protection, do  
 10 we have an issue in Indiana that is also income based. That is, that people of  
 11 different levels of income have, that the impact of the laws upon them with  
 12 regard to voting is disproportionate on different people based on that factor, let  
 13 alone the other that are already identified as classes.
- 14 Jim Harper: Yes, and I think that if you take the example of the Indianapolis early voting  
 15 situation, as an example, if you do not have a car, for instance, you're going to  
 16 have to pay the bus fare to get downtown. If you do have a car, you have to  
 17 drive to downtown Indianapolis and park, and parking, for instance, I'm  
 18 fortunate enough, I can to afford to park in downtown Indianapolis, but not  
 19 everybody can, right? That costs money, and, so I think just as simple as that,  
 20 the lines around the building, most days for early voting in Indianapolis, can you  
 21 afford to take a couple hours off of work? Do you even have the option of taking  
 22 a couple of hours off of work without losing your job? I think economic issues  
 23 are absolutely part and parcel of this, and I, that certainly can be, putting my  
 24 attorney hat on, I think that that can be an equal protection issue and I would  
 25 encourage the committee to pursue that.
- 26 Chris Douglas: Then, may I ask, we sort of discussed the equal protection issues as they apply  
 27 to our urban populations, can you observe any that apply to rural populations?
- 28 Jim Harper: Well, certainly, a lot of, I'm sorry.
- 29 Chris Douglas: Go ahead, no, please.
- 30 Jim Harper: Well, absolutely, and in a lot of rural communities, because the population is  
 31 much more sparse, for instance, the voting precincts are also ... it's harder for  
 32 people to get to precincts because they are further from their house. So, I can  
 33 walk from my house to my precinct, and that's not a case in a lot of rural  
 34 communities. Also, a lot of rural communities have adopted vote centers, and  
 35 I'm sure the committee has come across vote centers in other meetings, but if a  
 36 community adopts vote centers, it doesn't have to have as many polling places,  
 37 right? That can lead to further consolidation of polling places and so, whereas,  
 38 maybe it was a five minute drive to get to your polling place, well, now you have  
 39 to go to the county seat to get to the polling place, or you have to go to another

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1 township to get to a polling place, or whatever it may be, but the vote center  
2 statute give local communities a lot more flexibility to consolidate polling  
3 places. Rural communities, and I don't know the numbers on this, but have been  
4 anecdotally my impression, more likely to adopt vote centers and that can make  
5 it ... there's some upsides to vote centers and there are downsides, and one of  
6 the downsides is that people have to travel further to get to their polling place.

7 Chris Douglas: Thank you.

8 Tammy Davis: Any other committee members for Mr. Harper?

9 Robert Dion: This is Robert Dion in Evansville.

10 Tammy Davis: Hi Robert. Go ahead, you have a question?

11 Robert Dion: Hey, I've got a question. I'm wondering if you have something to say about  
12 provisional ballots, access to provisional ballots, training regarding provisional  
13 ballots, and then, probably most importantly, the disposition after the election  
14 of provisional ballots, when and how they get counted.

15 Jim Harper: Yeah, I'll be honest with you, Robert, I probably need to do a little more digging  
16 on this. I will say that I think provisional ballots need to be of particular concern  
17 right now, especially with the voter list maintenance, as it's called, the voter  
18 purge, if you will, that occurred in Indiana last year. There are a lot of people  
19 who, because of that, are gonna be casting provisional ballots this year, and  
20 that's ... I haven't had as many conversations as I need to with people about  
21 what the necessary reforms are there, but I think it's really important that we  
22 have a well functioning provisional ballot process because I think you're gonna  
23 see a bump in provisional ballots in the state this year.

24 Robert Dion: That's a good point to note. Thank you.

25 Tammy Davis: I'm glad you brought that up, Robert, because I received a call from a volleyball  
26 coach, I believe she was in Whitfield, and she spoke of an example that went  
27 back to the 2008 election, when she brought several of her volleyball students  
28 to go vote, and one person did not have her identification, and she was not  
29 allowed to vote, and she was not provided the opportunity to cast a provisional  
30 ballot. And just from doing several voting registration drives, I hear too often  
31 that those individuals working at the polling locations do not even offer that to  
32 people that are coming in to vote. If there is a discrepancy between the name  
33 on the polling book and the name on the ID, so education of the poll workers is  
34 extremely critical in addition to making sure that the public communication that  
35 goes on about voting lets them know that they can cast a provisional ballot. So I  
36 thank you for bringing that up. Often times that's not part of our voter  
37 education and outreach about educating people about the provisional ballot.



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- 1 Are there any other questions for Mr. Harper?
- 2 Chris Douglas: If there's time, this is Chris Douglas. I do have another questions.
- 3 Tammy Davis: Yes, a one-part question, Chris.
- 4 Chris Douglas: Sure. So, for Mr. Harper, we've heard testimony that Indiana conducted a purge  
5 of it's voting rolls because of some past lawsuit that impelled states to clean up  
6 their voting rolls and we didn't get much detail on that, and I wondered if that, if  
7 you know, as an attorney and a candidate for Secretary of State, whether that  
8 past lawsuit was challenging the imperative list to clean up voting rolls so that  
9 people who had been denied the ability to vote, could vote, because they  
10 weren't previously on the voting roll, and whether now, this purge is instead not  
11 going after that aspect, and it is instead is an attempt to use that lawsuit as a  
12 justification for attacking the question from a different angle, and that is getting  
13 rid of registrations that might just even further impede the ability of people to  
14 get onto the roll.
- 15 Jim Harper: I don't know the rational, I mean, I don't know enough about the background of  
16 the prior litigation, and I do know the reason we have removed so many people  
17 recently is because there's state law that they're acting more aggressive voter  
18 list maintenance, as they call it, and part relying on the interstate cross check  
19 system, but I don't, I can't tell you whether the motivations for that match up  
20 with the public concerns that were raised about the lawsuit. I'm not, I can't  
21 answer that for you.
- 22 Chris Douglas: Thank you.
- 23 Tammy Davis: Just as a quick follow up, the issue did come up in our public hearing in the  
24 Indianapolis, and it was representative on both sides of the aisle that didn't  
25 want to classify it as a purge. They wanted to classify it as making individuals  
26 inactive. We don't care how you classify it, if you say somebody is not on the list  
27 to vote, I don't care if you call it a purging, inactivation, removal, it's still is an  
28 impediment to that individual to be able to vote. And what we didn't get, or at  
29 least what I don't recall us getting, is when an individual is classified as inactive,  
30 when they go to vote, what happens when they are classified as such. Are they  
31 completely removed from the list, which is what we've been told, that if you're  
32 inactive, you're not on the list, so when you show up to vote, they'll say, okay,  
33 Jane Doe, you're not on the list to vote. And so, we would hope there would be  
34 further investigation into exactly where this purging, or this classification of  
35 inactivity, is taking our voters.
- 36 Jim Harper: And my conversation is that you can cast a provisional ballot-
- 37 Tammy Davis: If they're being made aware.

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- 1 Jim Harper: Right, if they're being made aware.
- 2 Tammy Davis: That they can cast the provisional ballot. Right.
- 3 Jim Harper: And that's probably the poll worker training point.
- 4 Tammy Davis: Exactly. Are there any other questions for Mr. Harper?
- 5 We have three more speakers, so we want to make sure we get to them. Thank  
 6 you, Mr. Harper.
- 7 Jim Harper: Thank you.
- 8 Tammy Davis: Our next speaker is Rosa Maria Rodriguez. Rosa?
- 9 Rosa Rodriguez: Again, my name is Rosa Maria Rodriguez, I'm running for state rep in the 2nd  
 10 District. When this venue was brought to my attention, I was home, and I had  
 11 no issues. Recently, there have been two activities in my community, and one in  
 12 Hammond, both times, I was not invited. Now, when I contacted Hammond,  
 13 they said, it was an oversight. I accepted the apology and I went on. East  
 14 Chicago just their candidates night, I wasn't invited. Now I want to give you a  
 15 little background. Twice, I have submitted documentation showing that Mr.  
 16 Harris, who is my opponent, does not live in our community. I put it before the  
 17 board, I was turned away because I did not have enough evidence, not that they  
 18 didn't believe me, I didn't have enough. I was able to prove that he had a  
 19 homestead, the first time he took the homestead off the day before we went  
 20 down for the hearing. He continues to live in Indianapolis and I will stand on my  
 21 insistence, he does not live in my community, he comes to visit. He got his  
 22 driver's license by giving a letter from his mother. Where us as individuals, we  
 23 have to bring all types of documentation, this individual was allowed to bring a  
 24 letter from his mother. It's all documented downstate.
- 25 My issue is that I have discriminated by not being invited. Both times, Mr. Harris  
 26 got the endorsement, and I recognize that normally they will endorse the  
 27 incumbent. I have an issue with that. I think it's an unfair process. Many times  
 28 individuals that are running, they're running on their merit, their passion, but  
 29 they're charged 200 dollars to speak, and I get it that there are bills to be paid.  
 30 But I think it's unfair. As a candidate that is running on her own money, I can  
 31 afford it, but there are those that are qualified and able and wanting to run, but  
 32 they don't have those fundings and they have to go out and raise money and  
 33 take money from other people that don't have that money. I think it's unfair.  
 34 But for me it's personal. The only ones, in my area, is Griffith, Hammond, East  
 35 Chicago, and Gary. Gary and Griffith invited me. I was endorsed in Griffith. Right  
 36 now, I'm getting ready to speak before Gary. But East Chicago and Hammond, I  
 37 feel purposely did not invite me to go speak to the audience that was going to  
 38 be present, and I was not allowed the opportunity to deliver my message.

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- 1 Tammy Davis: So, just as a point of clarification relative to addressing voting rights, and any  
2 deprivation that you have experienced, are you speaking towards the topic as a  
3 candidate that has been disenfranchised because it almost sounds as very  
4 political party specific, rather than voting rights general specific. So I just want  
5 to clarify and make sure that we stay on the topic.
- 6 Rosa Rodriguez: And here's my reason, had I had the opportunity to go speak and talk to the  
7 voters, I would have had the chance for them to make a choice. But by not being  
8 invited, they were disenfranchised just as much as I was. So it goes both ways.  
9 So, again, ... go ahead.
- 10 Tammy Davis: Chris.
- 11 Chris Douglas: This is Chris Douglas calling in from Indianapolis. So, since I'm down in  
12 Indianapolis, I don't have a clear picture of what processes you're talking about.  
13 When you're saying for instance that these cities, Griffith, East Chicago, Gary  
14 and Hammond, had events, are you referring to a particular political party in  
15 those cities had events, or there were civic-
- 16 Rosa Rodriguez: Yes.
- 17 Chris Douglas: events that you were not invited? So it was a specific political party that had  
18 events to which you were not invited.
- 19 Rosa Rodriguez: Right.
- 20 Chris Douglas: And then, furthermore, to attend those events, at least some of them, or all of  
21 them, you'd have to pay 200 dollars in order to speak, is that correct?
- 22 Rosa Rodriguez: Yes. Right.
- 23 Chris Douglas: And you're-
- 24 Rosa Rodriguez: And again, go ahead, I'm sorry, go ahead.
- 25 Chris Douglas: Specifically then, the charter of this committee is then focused on voting rights  
26 and impositions on them with respect to, resulting from discrimination on the  
27 basis of several identified classes. Are you alleging discrimination on the basis of  
28 one of those classes.
- 29 Rosa Rodriguez: I am.
- 30 Chris Douglas: Okay, and I apologize, I'm assuming, based on your name, that you're alleging  
31 discrimination on the basis of ethnicity, is that correct, or?

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- 1 Rosa Rodriguez: Yes, and I'm a woman. I know my voice is low, that happens all the time.
- 2 Chris Douglas: It's a lovely voice.
- 3 Rosa Rodriguez: Thank you, thank you. And again, it's not just me, it's getting that messages, the  
 4 opportunity to other, for the voters to hear the message. By not, if you're gonna  
 5 have this venue, and these were precinct, Democratic precinct events, it wasn't  
 6 just a Bingo night. These were those individuals that we depend on to get the  
 7 message out. And they were not allowed to hear my message in two major  
 8 cities that I would represent.
- 9 Tammy Davis: Relative to me understanding the process, that that is a process that is led by a  
 10 political party, and it is not led by legislation, it's not covered by the Voting  
 11 Rights Act, it is covered by a policy of a specific party, which is really outside of  
 12 our scope, but it can be duly noted of the issue. The committee agree, or?
- 13 D ClemensBoyd: [crosstalk 01:07:13] Tammy I disagree. I do agree with your observation of that.  
 14 I think we would have to perform more analysis of the issues that she described  
 15 to see if it falls within the jurisdiction of the commission and I think I would be  
 16 hard pressed to say one way or the other right now. I would rather wait and  
 17 explore some of these issues that she's described, but I don't think its - and  
 18 maybe you need some clarifying questions, Chris, at this point, but I would just  
 19 propose that we heard the testimony and that we move on.
- 20 Rosa Rodriguez: Okay.
- 21 Tammy Davis: I would recommend that-
- 22 Chris Douglas: And I'll, I respect -
- 23 Tammy Davis: I'm only saying that, Chris, if I could interject for a second, given the amount of  
 24 time that we have left and that we have a couple of other speakers, and I know  
 25 that Miss Rodriguez has another commitment, I think that her testimony should  
 26 be noted, I do think that it is beyond the scope of what we are focused on,  
 27 relative to voting rights, however, it's a valid, it's a point of consideration. But, I  
 28 would like for us to note her testimony, and if we can continue to some of our  
 29 other speakers.
- 30 Rosa Rodriguez: And I appreciate that. I guess that, you know what, I was just shocked at what  
 31 occurred, and when you talked about what this venue was gonna be about, I  
 32 just thought, you know what, maybe somebody can hear me, because-
- 33 Chris Douglas: If I may speak up, I'm sorry, this is Chris Douglas.
- 34 Tammy Davis: Yeah, go ahead Chris.

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- 1 Chris Douglas: I'm comfortable with moving on, but I do think this. That voting rights also  
2 includes the ability of populations to be able to vote for candidates that  
3 represent them. And if the process isn't delivering candidates that can represent  
4 people based on these classes, I think that that does have a voting rights  
5 implication. I do think that it may be a little bit, that can be a big separate topic,  
6 so I respect very much Miss Rodriguez coming and presenting, I think it does  
7 have some relevance, but I also agree that we have a full plate.
- 8 Rosa Rodriguez: And I agree. Thank you so much for hearing me. Thank you.
- 9 Tammy Davis: Thank you, thank you very much.
- 10 Robert Dion: Thank you.
- 11 Tammy Davis: Alright. Next we have to speak is Darian Collins, on behalf of the Gary NAACP  
12 branch.
- 13 Darian Collins: Hi. Hi, my name is Darian Collins, and I am the Assistant Secretary and [inaudible  
14 01:10:15] chair for the Gary branch NAACP and I just wanted to make a few  
15 comments in addition to Thomas Newsome regarding the Gary branch's activity  
16 with voting.
- 17 Leading up to the election, the last presidential election, I was personally  
18 involved in probably 10 to 12 voter registration drives that took place around  
19 the county, most of them primarily concentrated in Gary and a few in  
20 Merrillville. We successfully registered over 2,300 voters for that election, and  
21 we actually took part in donating money and having vans that were licensed,  
22 going around the City of Gary, picking up residents to take them to the polls.  
23 This is something that the Gary branch does every major presidential election.
- 24 The way that we can track voting is, we really have it down to a science, and we  
25 work with our national office on that. We have what's called the Voter  
26 Activation Network System, and we know by house, by block, by precinct. We  
27 don't know the person, per se, in that house, but we know the people in that  
28 house that went to vote, and if there are so many people in that house that are  
29 over the age of 18 that didn't vote, we are able to do that too. To see that data  
30 too, so that helps us with our grassroots efforts to working with precinct  
31 committeemen, working with local community activists and organizers, going  
32 out doing door-to-door activity, getting people more engaged in voting. So, that  
33 is one of the tenants of the NAACP, voter engagement, and voter registration,  
34 and voter activism. So I just wanted to make those issues known.
- 35 Now, right now, we are very concerned with the, I call it a purge, I would have  
36 to agree with Tammy, the purge that just took place. But I do understand that  
37 people move, our state is losing residents, so we don't know if some of these  
38 people still live in the state. I understand that purge. And honestly, I don't feel

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1 threatened by that. I feel like, if you ... I checked my registration the day it came  
2 out. I checked it online, it's active and it's fine. I am trying to get people to  
3 understand that voting, it's important. It's a right, it's a right that our community  
4 did not have 60 years ago, that we fought very, very hard for and that we want  
5 to keep available to everyone. But it's participatory and it's active, so I want  
6 people to always check your registration. If you move, go online, or if you're not  
7 tech savvy, get somebody who is to go online through their phone and check  
8 your registration.

9 So one of the things that our branch is doing leading up to the primary and  
10 leading up to the election is that we are vigorously working with people in the  
11 area to say, hey, and we're gonna do this a lot through the churches. Have a 4th  
12 Sunday, and 3rd Sunday every month where you are checking the registration of  
13 your members, you're checking the registration of your neighbors and your  
14 community. I hope that we will work with the precinct committeemen and  
15 make sure that they are current on the technology that's out there as a way to  
16 check registrations and to make sure that people are engaged. They're  
17 registered.

18 Now that is different than the issue that the mayor brought up and that the  
19 gentleman running for Secretary of State as far as access. I'm not gonna speak  
20 on that, I'm not an expert in that area except to say that there should be wide  
21 access to voting. It's a primary right of our society and so we shouldn't be  
22 restricting it. If anything it should be where it is or more open, and that's not  
23 anything based on data, that's just a belief.

24 That's really all that I wanted to say. I'm open to your questions.

25 Tammy Davis: Thank you Miss Collins. Any questions from any of the committee members?

26 I have one. Can you speak to any type of responses that you've had during your  
27 get-out-the-vote efforts where any members of the NAACP or members of the  
28 community has spoke about some of the challenges that they've had with trying  
29 to get the vote?

30 Darian Collins: The main comment that I've heard from people, our senior community is very  
31 committed to voting. They want to vote, they don't miss the opportunity to  
32 vote, as long as they're healthy, but there are some challenges with trying to get  
33 rides to the polls, or trying to make sure a family member or friend picks them  
34 up. That's where we have stepped in with helping with our vans, our get-out-  
35 the-vote. Last election, Linda Peterson's not here, but I think we had something  
36 like three or four vans going around continuously all throughout the day, picking  
37 up people to make sure they could get to the polls and vote.

38 We also encourage people to early vote, and again, it's a situation where we tell  
39 people if you need a ride to vote, we tell them to call our office or call one of

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1 our representatives so that we can arrange to get them a ride to vote, but I  
2 know there is an issue, especially with some of our seniors in the senior citizens  
3 buildings, public transportation cuts off pretty early in Gary, I want to say six  
4 o'clock, and then there is no public transportation on Sunday, well you can't  
5 vote on Sunday, but there's very limited on Saturdays, and so, it can be a  
6 challenge. But I know that our organization, and I'm sure maybe others, are  
7 offering those rides to people to be able to get them to the polls and to get  
8 them to Crown Pointe to early vote.

9 D ClemensBoyd: I have one question for Miss Collins. Miss Collins, in your effort to register  
10 people in the Gary community, have you encountered individuals that have  
11 been previously incarcerated, that it was their belief that they could no longer  
12 vote?

13 Darian Collins: Yes. Yes. And we have dispelled that with them. What I do, and what a lot of us  
14 do, we register you whether we know you are clear or not. When it gets to  
15 Crown Pointe and gets sent in, if it's not processed ... and what I try to train my  
16 people to do is not do the paper vote, do it online. Because then it's automatic,  
17 you know within a few days if it's active and accepted. But yes, we have run into  
18 a number of people who have been incarcerated and think they can't vote.

19 And, I'm glad that you asked that. I saw something where a young lady who was  
20 on, a young lady in Texas, who was on probation with the court, she went to  
21 vote during the 2016 election, and in Texas, I guess there's a law, that if you're  
22 on probation you can't vote and she voted, and now she's been sentenced to  
23 five years in jail. And so, we want to, people tend to read social media more  
24 than they do the newspapers, and we want to make sure in our community that  
25 we do have people that are on work release, we have people that are on  
26 probation, we have people that are in different stages in the criminal justice  
27 system. We want to be sure, as long as you are not incarcerated, but even if you  
28 are still in the, that umbrella that you can still vote. We want to make sure that  
29 our residents know that. And I don't think that's the case in Indiana, right? As  
30 long as you are not incarcerated, if you are on release, you can vote, right?

31 D ClemensBoyd: That's my understanding.

32 Darian Collins: Okay, Yeah, okay, but yes, we do run into that.

33 Tammy Davis: Earlier, Mr. Patel brought up a very good point about mentioning the pre-  
34 clearance and the Voting Rights Act and so, the State of Indiana are not covered  
35 by that, and there are several other states that are not, and just because we're  
36 not covered by the pre-clearance section, doesn't mean that we still don't  
37 experience some of the same challenges that many states are experiencing,  
38 meaning that before they come up with the new law, policy or process, they  
39 have to get pre-cleared. That was the way it was. And so, Indiana, like other  
40 states, do not have that, and so we, still a lot of things we have to keep our eyes



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1 on to make sure that the policies, like the purging, of going through the voting  
2 polls, and the voting centers, the consolidation of our precincts, that those do  
3 not provide impediment for people to vote.

4 Darian Collins: And we want to be sure that those prohibitive measures, like that law that's in  
5 Texas, don't become a law here in Indiana. We don't want that here, and so, it's  
6 on both sides. We want people to register the vote and value the vote, but on  
7 the other side, we want to fight those things that are becoming impediments to  
8 people having access to the vote.

9 Tammy Davis: Thank you Miss Collins. Any other questions for Miss Collins from the  
10 committee?

11 Alright, thank you Miss Collins.

12 Darian Collins: Thank you, thank you so much.

13 Tammy Davis: Alright, our next speaker is attorney Barbara Bolling, who is the state  
14 conference president of NAACP conference of branches.

15 Barbara Bolling: Thank you.

16 Tammy Davis: Attorney Bolling?

17 Barbara Bolling: I'm Barbara Bolling-Williams, State President of the National Association for the  
18 Advancement of Colored People. I thank you for this opportunity to supplement  
19 my prior testimony before this august body. I also welcome you generally to  
20 Northwest Indiana, and particularly to my hometown of Gary. We now have the  
21 benefit of meeting after the close of the most recent session of the Indiana  
22 General Assembly. Given the bills that did pass, the most acclaimed was the  
23 extension of alcohol sales, which now includes Sunday sales and a bill about  
24 eyeball tattooing. A bill also passed that now allows residents in mental  
25 institutions to determine their residency for purposes of voting. I will leave that  
26 one up to you to ponder.

27 Certainly, for the residents of Gary, we are happy that the session ended  
28 without the passage of House Bill 1315. This bill would have nullified the vote of  
29 all Gary voters who went to the polls to cast their ballot for their school board.  
30 The school board is an elected body chosen to govern the policy making of the  
31 district affecting our children. Last year, the State of Indiana took over the  
32 school district and appointed an emergency manager to handle the day to day  
33 operations. This critically affected the superintendent, but the school board  
34 remained in place. Where is the transparency and accountability? It is the  
35 school board that is accountable to the voters. That will be taken away. The  
36 emergency manager is accountable to no one but the state. House Bill 1315, if  
37 passed, would have changed all of that. The school board would only have been



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1 allowed to meet quarterly. Apparently they meet monthly, the meetings are  
2 broadcast over radio live, and televised, thus affording all the people an  
3 opportunity to see and hear what is going on.

4 If House Bill 1315 had passed, they would have allowed the school board to only  
5 meet quarterly, and the meeting would not have been televised or on radio.  
6 This option does not afford parents the opportunity to question or challenge  
7 decisions affecting their children. By the time they are made aware of a policy  
8 change, it would have already been implemented. For our purposes, I believe  
9 that it is also important to talk about what also did not pass.

10 The General Assembly had a real opportunity to move Indiana forward to a full  
11 democracy for its citizens. A couple of bills that were introduced regarding  
12 redistricting. We saw encouragement when it looked like a bill established  
13 guidelines for drawing the district map would have done just that. We were  
14 advocating for an independent body to draw the lines, but we were encouraged  
15 and willing to settle for common standards at this time. Neither made it to the  
16 governor's desk. Bills were introduced that would have expanded opportunities  
17 for same day voter registrations, and expansion of voting hours, but they didn't  
18 make it either.

19 Because so little meaningful work was accomplished during this past session,  
20 the governor has called for a special session, something that has not been done  
21 in almost 20 years. This has become a double edge sword. We nervously await  
22 to see if they will take up House Bill 1315 in this special session. Precinct  
23 consolidation continues to be a real threat to this county. The bill was directed  
24 to the people who live in the cities of Gary, Hammond, and East Chicago. It's  
25 only purpose is to dilute and suppress votes of people of color where the largest  
26 concentration of this population exists in the state, second only to Marion  
27 County. No such mandate has been made anywhere else in this state.

28 Let me leave you with the words of Rev. Dr. Martin Luther King, Jr., when he  
29 said "A threat to democracy anywhere is a threat to democracy everywhere."  
30 Thank you for hearing our voice.

31 Tammy Davis: Thank you, Attorney Bolling. Are there any questions from any of the committee  
32 members?

33 D ClemensBoyd: Thank you for your testimony.

34 Barbara Bolling: Thank you.

35 Tammy Davis: Thank you. Oh, I'm sorry. Before you go, I just have one. Because I think it's  
36 important to note from the historical perspective in regard to Gary and the  
37 NAACP, with some of the voting rights issue. Several years ago there was a

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1 lawsuit that the NAACP was a part of, can you speak to that in general. Was it  
2 the voting centers, or the voter ID?

3 Barbara Bolling: Well, we were a part of the voter ID bill, we're challenging it and trying to stop it  
4 before it actually passed, I think that was about in 2005. Which of course it did  
5 pass and it has since gone up and become the law of the land, and we had the  
6 most oppressive voter ID bill in the country until the most recent thing. I think  
7 somebody else has kind of knocked us from that infamous pedestal.

8 Following that, we also engaged in expanding our early voting sites. And there  
9 was a challenge to close down the early voting sites in the cities of Gary,  
10 Hammond and East Chicago, which would have rendered us to have only the  
11 voting sites located in Crown Pointe to be our only sole voting site. We were  
12 successful in challenging that and from that point, Gary, Hammond and East  
13 Chicago were allowed to remain open, and to this day, it has now been  
14 expanded to 14. But I do remind people that even with the expansion, there's  
15 still only, one voting site in Gary, Hammond, and East Chicago, so I tell you,  
16 where did all those other ones go? Okay, so, it benefited everyone.

17 Tammy Davis: Thank you, Attorney Bolling. Okay, we have two last persons, and then we will  
18 have to wrap it up, but there is a letter that I need to read, given our time, from  
19 Congressman Pete Visclosky's office, if his representative doesn't arrive.

20 So, we will have, is it William Schafer?

21 William Schafer: I'm not speaking [inaudible 01:27:07]

22 Tammy Davis: Oh, okay, you were signed check to speak, so do any of you want to speak?

23 Michaela Spange: I'm speaking.

24 Tammy Davis: Okay, and is it, can you pronounce your name?

25 Michaela Spange: Michaela

26 Tammy Davis: Michaela? And your last name?

27 Michaela Spange: Spangenburg.

28 Tammy Davis: Spangenburg? OK, can you come up here please? And they are from BLM Gary.

29 I'm sorry, can you spell your last name?

30 Michaela Spange: Sure. S-P-A-N-G-E-N-B-U-R-G. For the record, I'm not here on behalf of BLM  
31 Gary. I just happen to be affiliated. People may know me from there. I'm just

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1 here today to talk about my experience just as a resident of Gary and someone  
2 who moved to Gary, tried to register to vote, and then had my registration to  
3 vote completely disappear, no record of it.

4 I moved to Gary in July, August of 2015, with my partner. Both of us registered  
5 to vote at an event at the Genesis Center. As folks may know, shortly after that,  
6 of course, the governor of Indiana had the state police seize registrations from  
7 both Marion County and Lake County. After I had heard about that, I went and  
8 tried to check because I hadn't received anything confirming my registration to  
9 vote. I'm from a state where it's just very ... I came from California, and in  
10 California it's very typical to just go to a community event, register to vote  
11 there, with the same types of forms that I registered at the Genesis Center, and  
12 things come to your house, things are copasetic. However, when I did it out  
13 here, nothing happened. After I heard about the registrations being seized, I  
14 then tried to check and see if I had been registered. I had not been, and at that  
15 point it was too late forme to try to re-register to vote. Because of that, I was  
16 not able to register, I was not able to vote in the presidential election.

17 I personally feel that that was very purposeful. Where they seized those  
18 registrations from, Marion and Lake Counties, I think it was very specifically to  
19 target people of color and voters of color and to make sure that the state swung  
20 to Trump instead of other ways that it might have gone as a notoriously pink  
21 state instead of a red state. And when I tried to get answers around this it was  
22 impossible for me to find out what had happened to my registration to vote. As  
23 someone who, at that time, was working 60 hours a week, what could I do? So, I  
24 just wanted to come by and speak today about an experience of general person  
25 trying to move to this area and be able to vote and basically having that vote  
26 stolen from me.

27 Tammy Davis: Thank you, Miss Spangenburg. Are there any questions from any committee  
28 members?

29 Chris Douglas: This is Chris Douglas. I just want to make sure that we have the contact  
30 information for this individual. I think that's a very compelling case. I think that  
31 Indiana's constitution is very clear about who ought to be able to vote, and what  
32 she accounts there I think is extremely disturbing.

33 Melissa: Can you spell out your email address just so that we can read it clearly?

34 Michaela Spange: It's M-E-K-M-E-K-H-I-L@gmail.com.

35 Melissa: Thank you very much.

36 Ellen Wu: This is Ellen Wu. Thank you for your testimony, Miss Spangenburg. May I just  
37 ask, if you recall, when you try to find out what happened to your vote who did  
38 you contact?

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1 Michaela Spange: As I recall, I tried to call some number, I don't remember, obviously it was a very  
 2 long time ago. I think I tried to call somebody, but I didn't have anything to tell  
 3 them, and they didn't have anything to tell me besides from the deadline to  
 4 register has already passed. On their end, they just said there was no evidence  
 5 that I had registered to vote. But you know, if you literally take people's  
 6 registrations before they're actually put into the system, I guess that's what  
 7 happens. I'd also like to note that there is, to my knowledge, no public  
 8 accountability around what happened with that. I mean, it was in the news that  
 9 those were seized, but when you try to get any answers around that, and  
 10 there's no reporting on what happened afterward too.

11 Chris Douglas: This is Chris Douglas. Is there, if one were to investigate this, are you confident  
 12 that the registrations that were associated with the Genesis Center were among  
 13 those seized. Do we have any ability to confirm that beyond your own ... let's  
 14 say, I don't believe this is true, but let's supposed that the registrations fallen  
 15 behind a copier at the Genesis Center. I don't believe that's likely the case, but  
 16 what we want to determine is any evidence that we can that your registration  
 17 was part of a block that was subject to this action.

18 Michaela Spange: Well, both mine and my partner's, my spouses registration, we both have the  
 19 same exact problem, we both registered at the same exact time, both at the  
 20 Genesis Center, I think possibly with two different, at two different tables there,  
 21 or something. Aside from that, I personally have nothing, but I also don't have  
 22 the resources to investigate things, so.

23 Chris Douglas: Right, right, thank you.

24 Tammy Davis: Any other questions from committee members?

25 Alright, thank you so much for your testimony, Miss Spangenburg. And just for  
 26 clarification, I'm not familiar with BLM Gary, what does-

27 Michaela Spange: Black Lives Matter Gary.

28 Tammy Davis: Oh, wow. Can I take that off my [inaudible 01:33:48]? It could mean anything,  
 29 everybody, that's why I asked for clarification. Alright. [inaudible 01:34:01]

30 Okay. Alright, so, we're wrapping up, but I wanna to read the statement that  
 31 was emailed to me from Congressman Visclosky's office.

32 "Dear Members of the Indiana Advisory Committee:

33 I write today to thank the members of the Indiana Advisory Committee to the  
 34 US Commission on Civil Rights for your dedicated efforts to improve the ability  
 35 of all citizens to exercise their fundamental right to vote. I deeply appreciate  
 36 your efforts to host community forums throughout our state, including here in

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the City of Gary, and to be available to listen to concerns that any person may have about their voting experience, whether it be any challenges people may have with respect to obtaining documents to vote, or having access to voting materials or information, or in traveling to polling locations. I believe that the right to vote is one of the greatest privileges of our democracy. It is also a great responsibility. We all must continue to work to ensure that our elections are fair and accessible so that every eligible voter can participate in our electoral process.

At the federal level, I am a supporter and co-sponsor of HR 2978, the Voting Rights Advancement Act of 2017. Introduced by Representative Terri Sewell of Alabama, this legislation would aim to counteract the Supreme Court decision in Shelby v. Holder that undermined key provisions of the Voting Rights Act of 1965. I am also a supporter and co-sponsor of HR 12, the Voter Empowerment Act of 2017. Introduced by Representative John Lewis from Georgia, this legislation would aim to encourage increased voter participation by allowing states to send voter registration applications to eligible individuals by requiring states to provide for online and same day voter registration procedures and by permitting universities to act as voter registration agencies for students.

Thank you again for your dedicated work and for holding this forum today in the City of Gary. Together, through open communication at forums such as this, and the efforts of the advisory committee and the commission on civil rights, we can all continue to work to improve the ability of all individuals to exercise their essential right to vote and preserve the integrity and foundation of our democracy.

Sincerely, Peter J. Visclosky, Member of Congress"

And we'll receive a hard copy as well. Are there any other comments from the committee?

Seeing none, at this time,

Chris Douglas: Nope.

Tammy Davis: Oh, go ahead Chris.

Chris Douglas: No, I was just saying no and thanking everybody for attending who is there and for providing input.

Ellen Wu: Likewise, thank you.

Tammy Davis: I want to, alright, I want to thank everyone who that came forward to give testimony. I want to make sure we didn't leave anybody else out. Is there

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1 anybody else who would want to make a comment or provide testimony at this  
2 time.

3 Alright, we want to thank our partners and collaborators for helping make this a  
4 success. Many thanks to the Gary NAACP branch, I see representatives from the  
5 Hammond NAACP branch, League of Women Voters, our state conference of  
6 branches of Indiana NAACP, Sigma Gamma Rho sorority, Delta Sigma Theta, our  
7 school board members, and our churches. Thank you all. The meeting is  
8 adjourned.

9 [inaudible 01:38:28]

10 Do you want it part of the record? Okay. Alright. Is that all we need to do,  
11 Melissa? I think that's it. Okay, go ahead.

12 Speaker 15: I just wanted to make a quick announcement. What I tried to pass out is that-

13



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• Phone (765) 423-2691

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March 2, 2018

United States Commission on Civil rights  
Midwestern Regional Office  
55 West Monroe  
Suite 410  
Chicago, IL 60603

Good afternoon,

Thank you for the opportunity to provide these written comments re: voting rights in Indiana.

The Lafayette Urban Ministry is an organization of 46 Greater Lafayette, Indiana area churches. We serve as both a social safety net and advocate for low-income families and children in our community. You may find out more about our organization by visiting our website at [www.lumserve.org](http://www.lumserve.org)

We routinely offer voter on-site voter registration to our many clients while they are in our office waiting for services. One of those services is our ID Clinic.

Having valid picture ID is basic to everyone's economic well-being. Without it, one can't secure employment, housing or even public assistance benefits. Without a valid photo ID one can't renew or obtain a driver's license, open a bank account or turn on the water, heat or electric utilities for your home.

Unfortunately, in our post 9/11 world, securing valid ID is a difficult task layered with many levels of heavily scrutinized checks and balances. For those who don't have the resources or wherewithal to navigate this process the consequences can be dire.

At the Lafayette Urban Ministry, our expert ID Clinic staff has developed the knowledge and skill base to navigate the complex rules at state and local ID generating offices, not only in Indiana, but throughout the country. It is a much-needed service that has a real impact in helping individuals to improve their stations in life.

And one important additional benefit of LUM's work is that securing a valid photo ID allows an individual to exercise their constitutional franchise to vote in public elections.

It is our expert observation that Indiana's Voter ID laws enacted by the Republican led Indiana General Assembly in 2005 continues to seriously and significantly suppress the turnout of low-income voters in our community and across the state of Indiana.

The problem is primarily with the barriers and burdens that Indiana has put in place which make it significantly more costly and burdensome to apply for and receive a state issued ID. Even though the ID may, in some cases, be received free of charge, the birth certificate and other documents needed to obtain the ID do have a cost.

Provisional ballots are burdensome as well, requiring voters without IDs to not only make a trip to the polling place, but to their county seat in order for their vote to count.

In 2007 there were 400,000 adults of voting age without state issued IDs. In a typical year, the Lafayette Urban Ministry's ID Clinic has 150 people request help in obtaining for their IDs and paying for the birth certificates and other documents needed to receive their IDs. Many of these voters are in a Catch 22 where they need a birth certificate to receive a state issued ID, but need a state issued ID to receive their birth certificate. We will not be successful in navigating the system for as many as half of our clients.

Prior to the laws enactment there was not a single case of voter impersonation fraud in Indiana's history. The law was clearly a solution looking for a problem, enacted to suppress the turnout of Democrat voters.

Retired U.S. 7<sup>th</sup> Circuit Judge Richard A. Posner, author of the landmark decision upholding Indiana's voter ID law, now says he was wrong. In his new book "Reflections on Judging" the 1981 Ronald Reagan appointment and one of the most distinguished judges in the land says "I plead guilty to having written the majority opinion." He noted that the Indiana law in the Crawford v. Marion County case is "a type of law now widely regarded as a means of voter suppression rather than fraud prevention."

In a recent Huffington Post interview, when asked whether the court had gotten the ruling wrong, Judge Posner responded: "Yes. Absolutely." Back in 2007, he said, "there hadn't been that much activity in the way of voter identification," and "we weren't really given strong indications that requiring additional voter identification would actually disenfranchise people entitled to vote." The member of the three-judge panel who dissented from the majority decision, Terrance T. Evans, "was right," Judge Posner said.

Retired Supreme Court Justice Stevens, who voted with the 6-3 majority to uphold Indiana's Voter ID law also has regrets about his vote. He has shared that due to the newness of the issue at the time, all the facts and information needed to make an informed decision may not have been



presented to the court.

I wonder if with the passage of time, former Governor Mitch Daniels, who signed the voter ID bill into law, will share similar remorse for disenfranchising Hoosier voters? I wonder if those state legislators who championed this partisan attack on voting rights will ever have the political courage to undo their mistake?

Again, thank you for the opportunity to share our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Joe Micon". The signature is stylized with a large, looping initial "J" and a long, sweeping underline that extends to the right.

Joe Micon  
Executive Director



**TESTIMONY BY CHICAGO LAWYERS' COMMITTEE FOR CIVIL RIGHTS  
BEFORE THE INDIANA ADVISORY COMMITTEE TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS  
APRIL 2018**

Submitted By:

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**I. Introduction**

Thank you for the opportunity to submit written comments in conjunction with the recent series of hearings regarding voting rights in Indiana. Chicago Lawyers' Committee for Civil Rights (Chicago Lawyers' Committee) has operated as Chicago's preeminent nonprofit, nonpartisan civil rights legal organization since 1969, and we work to secure racial equity and economic opportunity for all. We provide legal representation through partnerships with nearly 50 member law firms. We also collaborate with grassroots organizations and diverse coalitions to implement community-based solutions that advance civil rights.

The Voting Rights Project of Chicago Lawyers' Committee was established to eliminate, reduce, and prevent barriers to voting for communities of color and low-income residents in Illinois. We advocate for expanded voter access for all communities, regardless of race, ethnicity, socioeconomic, or disability status. A major component of our work is Election Protection, the nation's largest non-partisan voter protection program, which operates the 866-OUR-VOTE hotline and supports companion lines at 888-VE-Y-VOTA and 888-API-VOTE. Election Protection hotline and poll watcher volunteers have answered thousands of voter questions and resolved numerous problems at the polls. That puts us in a unique position to understand voter access barriers, investigate and remedy problematic practices, provide information on voting rights, and advocate for necessary reforms. While our work is primarily focused in Illinois, we also have experience answering calls from Indiana voters to 866-OUR-VOTE, and we are proud to partner with Indiana-based nonpartisan organizations on various voting rights initiatives.



For the November 2016 general election, we trained and deployed hundreds of volunteer attorneys as part of our Election Protection program. Regardless of their diverse political views, our volunteers stand united in the belief that all eligible voters should have access to the polls. Together we answered over 300 calls from voters in Indiana during that election and helped voters with a range of issues, from routine questions about polling place location and hours to more serious reports of voter intimidation and exclusion from the polls. This testimony summarizes concerns that arose before, during, and after election day.

## II. Halting of Voting in Marion County and Other Takeaways from the 2016 Election

As mentioned above, most Indiana voters who called our Election Protection hotline during the November 2016 election had inquiries about the location and hours of their polling place, the status of their registration, the type of identification required to vote, and other run-of-the mill issues. Some voters did report more serious problems, such as voter intimidation. On Election Day, we worked with voters and election officials to address many of these concerns.

One issue that we observed, however, especially continues to trouble us and must be resolved before the 2018 elections. On November 8, 2016, a number of Indiana voters called to report that poll workers had halted voting in their precincts, in order to process absentee ballot information—presumably to comply with Indiana Code 3-11.5-4-0.5 or other portions of the Indiana election code, which requires that Marion County count absentee ballots at a central location. This resulted in numerous voters being turned away from the polls as well as delays in election administration. Below is a summary of the relevant calls that we received and our follow-up communications with Marion County election authorities:

- At 7:30 a.m. EST, a caller reported that poll workers at Indianapolis Fire Department Station #16 at 5555 N. Illinois St. stopped voting to process absentee ballots. The voter had been in line for one hour and stood behind about forty other voters. Multiple voters left.
- At 7:39 a.m., a caller reported that poll workers stopped voting at Indian Lake Country Club at 10502 E. 75<sup>th</sup> St. to count absentee ballots. The voter had been waiting more than one hour. The voter was African American.
- At 7:43 a.m., a caller reported that a polling place at 82<sup>nd</sup> and Ditch had the wrong poll book. The timing and the description suggests that the polling place may have been updating its rolls based on absentee ballots. The caller reported that the polling place was in an African-American neighborhood.
- At 9:19 a.m., a voter reported that a poll worker stopped voting at Spring Mill Elementary School at 8250 Spring Mill Road to count absentee ballots fifteen minutes after opening. 600 people were in line. The head of the precinct said that they would do this multiple



times throughout the day and that they would close again at 10:00 a.m. The poll was closed for about one hour. The voter was African American.

- At 12:00 p.m., a voter reported that poll workers at Precinct 35 in Liberty Park Elementary at 8425 E. Raymond Street stopped voting to count absentee ballots. The voter waited an hour while the absentee ballots were counted and then left.
- At 12:00 p.m., a voter reported that election workers had apparently stopped voting at New Beginnings Fellowship Church at 2125 N. German Church Road because no one was entering or exiting the polling place.
- At 12:10 p.m., a voter reported that poll workers at Precinct 5 in Broad Ripple Park Family Center stopped voting for 20 minutes to count absentee ballots.
- At 12:52 p.m., a voter reported that Indianapolis Fire Department Station #4 at 8404 Ditch Road did not receive registration information for all voters until 6:45 a.m. and that voters in the precinct had to wait for delivery of these records, causing significant delays. The timing suggests that the precinct may have been awaiting delivery of absentee ballot materials.

After receiving this information, Chicago Lawyers' Committee staff and pro bono attorneys called the Marion County Election Board and spoke with Scott Hohl, chief financial officer of the Marion County Information Services Agency and former chief of staff in the Marion County Clerk's Office. Mr. Hohl stated that the workers were checking the absentee ballots against the poll books as required by law. We asked him to instruct the workers to perform these checks after the polls had closed. Mr. Hohl responded that doing so might delay reporting election results to the media. We then asked him to prioritize voters waiting in line over completing these checks. When confronted with our information that polling places had shut down, Mr. Hohl first stated that this had not occurred, but then suggested that, if a polling place was short on staff, the workers may have stopped voting to process this information. Mr. Hohl reported that absentee information was dispatched twice on Election Day: couriers were dispatched between 6:00 a.m. and 7:00 a.m. and around noon.

The timing of these reports—before work and over the lunch hour, during peak voting hours, particularly for voters of color and low-income voters—has caused concern among voters and advocates about possible voter suppression. Shortly after Election Day, Chicago Lawyers' Committee contacted Common Cause Indiana about this troubling disenfranchisement of voters. We subsequently learned that Marion County had specifically trained its poll workers to prioritize checking absentee ballots over election-day voters. As Common Cause Indiana has stated to this Advisory Committee, we sympathize with the difficult position that Indiana state law forced Marion County election administrators to take. Nonetheless, this procedure violates the rights of election-day voters to cast a ballot without undue burden and must be corrected before the 2018 elections.



As mentioned above, most of the inquiries that we received from Indiana voters in 2016 were about routine matters, such as regarding voter registration and identification needed to vote. However, it is important to note that Indiana laws regarding voter registration, voter ID, and other aspects of elections prevented us from meaningfully helping many such voters resolve these issues on Election Day – resulting in otherwise eligible voters being prevented from voting. Because we also answer calls from voters in Illinois, a state where voters need not present photo identification to vote and where voters have access to Election Day Registration and a variety of other registration options, we noticed the stark difference in access to the polls for Indiana versus Illinois voters.

### III. Indiana State Police Investigation of Voter-Registration Group

Access to and fairness of voter registration systems continue to be a major issue in Indiana elections. Throughout the history of our country and the Midwest, voter registration bureaucracies have been put into place specifically to disenfranchise voters of color, including freed slaves and immigrant citizens, in addition to low-income voters of all backgrounds. Vestiges of these discriminatory systems still disenfranchise voters to this day, and improving voter registration access is an important step in healing from this legacy of institutional racism. In addition to obstacles such as early registration deadlines and limited registration options, recent rhetoric perpetuating myths of widespread voter fraud can discourage or even altogether stop voter registration and participation.

The Indiana Voter Registration Project (IVRP) first came to our attention on September 15, 2016, when the Indiana State Police announced an investigation into the group for voter registration fraud in Marion and Hendricks Counties.<sup>1</sup> At that time, Indiana State Police had identified “several instances” of voter registration forms with “missing, incomplete and incorrect information.” It assigned six detectives to the case. Indiana Secretary of State Connie Lawson also warned Indiana voters “to be vigilant and to check their voter registrations to ensure they are accurate,” because the IVRP had “turned in forged voter registration applications” and “was altering already registered voter’s information.”<sup>2</sup>

One week later, IVRP sent a letter to Secretary Lawson and county election officials that threatened legal action.<sup>3</sup> The letter accused Secretary Lawson of “mount[ing] a false and defamatory campaign against the [IVRP], that includes—not only public statements to the news media and

<sup>1</sup> Ind. State Police, “Indiana State Police Investigate Allegation of Fraudulent Voter Registration,” (Sept. 15, 2016), [http://www.in.gov/activecalendar/EventList.aspx?fromdate=9/15/2016&todate=9/15/2016&display=Day&type=public&eventid=252693&view=EventDetails&information\\_id=251502&print=print](http://www.in.gov/activecalendar/EventList.aspx?fromdate=9/15/2016&todate=9/15/2016&display=Day&type=public&eventid=252693&view=EventDetails&information_id=251502&print=print).

<sup>2</sup> Ind. Secretary of State, “Fraudulent voter registration applications identified in Indiana Voters urged to check their voter registration information,” (Sept. 15, 2016), <https://calendar.in.gov/site/sos/event/sos-fraudulent-voter-registration-applications-identified-in-indiana-voters-urged-to-check-their-voter-registration-information/>.

<sup>3</sup> September 20, 2016 Letter from Patriot Majority USA to Ind. Secretary of State.



others falsely accusing the Project of engaging in registration fraud—but also harassment of the Project’s canvassers.” IVRP also emphasized that, under Indiana law, it was required to submit all voter-registration forms it received, and had “alert[ed] the appropriate elections officials as to any concerns about these forms identified.”

On October 4, 2016, Indiana State Police executed a search warrant on the IVRP’s offices and announced that it would be expanding its investigation from two to nine counties.<sup>4</sup> Two days later, IVRP announced that it had formally requested that the United States Department of Justice initiate an investigation into efforts by Indiana public officials to suppress African American votes. Indiana State Police then announced that its investigation had expanded to 57 counties (over half the counties in Indiana).<sup>5</sup>

Chicago Lawyers’ Committee did not take a position on the merits of the investigation. However, we were concerned that, whether or not IVRP had violated Indiana law, the investigation might delay registration of thousands of eligible voters. While Indiana State Police investigators speculated that the number of fraudulent registrations might be in the hundreds (a significant number, to be sure), IVRP had submitted many more registrations—over 45,000. We were also concerned that Indiana State Police’s investigation might hamper other, legitimate voter registration efforts and incite fear among voters, particularly because the investigation had been expanded from 2 to 57 counties just a week before the registration deadline.

On October 7, 2016, the national Lawyers’ Committee for Civil Rights Under Law urged Secretary Lawson to publicly address these concerns in advance of the October 11 registration deadline.<sup>6</sup> In particular, they asked that she identify how many of the 45,000 voter registrations remain to be processed and communicate her procedures for doing so.

Several weeks later, Indiana State Police Superintendent Doug Carter announced that he had “directed all available resources within the Indiana State Police to assist with this investigation,” including more than two dozen detectives.<sup>7</sup> He expressed “the highest level of confidence there

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<sup>4</sup> Ind. State Police, “Indiana Voter Registration Project Investigation Expands to Multiple Indiana Counties,” (Oct. 4, 2016), [http://www.in.gov/activecalendar/EventList.aspx?fromdate=10/4/2016&todate=10/4/2016&display=Day&type=public&eventidn=252923&view=EventDetails&information\\_id=251746&print=print](http://www.in.gov/activecalendar/EventList.aspx?fromdate=10/4/2016&todate=10/4/2016&display=Day&type=public&eventidn=252923&view=EventDetails&information_id=251746&print=print).

<sup>5</sup> Ind. State Police, “UPDATE - Indiana Voter Registration Project Investigation Expands from Nine to 57 of Indiana’s 92 Counties,” (Oct. 6, 2016), [http://www.in.gov/activecalendar/EventList.aspx?fromdate=10/1/2016&todate=11/30/2016&display=&type=public&eventidn=253004&view=EventDetails&information\\_id=251836&print=print](http://www.in.gov/activecalendar/EventList.aspx?fromdate=10/1/2016&todate=11/30/2016&display=&type=public&eventidn=253004&view=EventDetails&information_id=251836&print=print).

<sup>6</sup> October 7, 2016 Letter from Lawyers’ Committee for Civil Rights Under Law to Ind. Secretary of State, attached to this testimony.

<sup>7</sup> Ind. State Police, “Statement from Indiana State Police Superintendent Doug Carter Regarding Possible Voter Fraud,” (Oct. 19, 2016), [http://in.gov/activecalendar/EventList.aspx?fromdate=10/19/2016&todate=10/19/2016&display=Day&type=public&eventidn=253362&view=EventDetails&information\\_id=252100&print=print](http://in.gov/activecalendar/EventList.aspx?fromdate=10/19/2016&todate=10/19/2016&display=Day&type=public&eventidn=253362&view=EventDetails&information_id=252100&print=print).



will be County Prosecutors in multiple Indiana counties who will hold a number of people criminally responsible for their actions.”

To date, it appears that only Marion County has initiated a prosecution, charging twelve IVRP employees and the group itself with submitting falsified voter registration applications.<sup>8</sup> Importantly, Marion County Prosecutor Terry Curry emphasized that the indictment did not allege “a widespread effort to infringe voters, intentionally register ineligible individuals, or to impact the election.” Instead, it alleged that the falsified applications resulted from “a bad business practice,” specifically, a quota system that pressured employees to obtain registrations.

The case appears to be still pending. All eligible voters in Indiana deserve access to fair registration procedures by state and local authorities, as well as much greater clarity about processing of their registrations.

#### IV. Recent Legal Challenges to Indiana Voting Laws

In the past year, Indiana civil rights and voting rights organizations have filed multiple legal challenges to Indiana voting laws. One case alleges that an Indiana state law amended in 2017 violates the National Voter Registration Act (NVRA) and is causing the erroneous removal of voters from the rolls. Another case alleges that Marion County’s failure to approve satellite early voting locations creates an unequal system of early voting. Yet another case seeks to invalidate a law requiring Lake County to consolidate precincts with under 600 active voters. Both cases allege that voters of color are disproportionately burdened and, in some cases, disenfranchised. Chicago Lawyers’ Committee is not a party to these cases but is monitoring them closely.

1. Common Cause Indiana v. Lawson, No. 17-cv-03936 (S.D. Ind. Oct. 27, 2017)

As Common Cause Indiana, American Civil Liberties Union of Indiana, and others have set forth to this Advisory Committee, Indiana passed Senate Enrolled Act 442 in 2017 to amend Indiana Code § 3-7-38.2-5<sup>9</sup>. Lawsuits filed by these and other organizations allege that the amended law violates the National Voter Registration Act (NVRA) and causes voters to be erroneously removed from the rolls, disenfranchising voters of color in particular. The state’s process for removing voters from the rolls places too heavy a reliance on the Interstate Crosscheck Program (Crosscheck), a voter list comparison program that has been widely criticized<sup>10</sup>, namely for (1) its

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<sup>8</sup> Vanessa Williams, “Indiana Voter Registration Group, Employees Charged with Falsifying Applications,” THE WASHINGTON POST (June 9, 2017), [https://www.washingtonpost.com/news/post-nation/wp/2017/06/09/indiana-voter-registration-group-employees-charged-with-falsifying-applications/?utm\\_term=.6c61af385c39](https://www.washingtonpost.com/news/post-nation/wp/2017/06/09/indiana-voter-registration-group-employees-charged-with-falsifying-applications/?utm_term=.6c61af385c39).

<sup>9</sup> Ind. Public Law 74:2017 (“SEA 442”), effective July 1, 2017.

<sup>10</sup> See, e.g., November 15, 2017 Testimony by Chicago Lawyers’ Committee for Civil Rights, Common Cause Illinois, and Chicago Votes Before Illinois Senate Telecommunications & Information Technology Committee &



significant security flaws and (2) its inaccurate “matches” that have high numbers of false positives, causing voters to be incorrectly purged from voter rolls – particularly harming voters of color because of the way that Crosscheck “matches” are generated. To make matters worse, the newly amended Indiana law allows immediate removal from the rolls following an unreliable Crosscheck match, depriving voters of the safeguards that the NVRA requires. While voter list maintenance is important to our democracy, it is just as important for list maintenance to be conducted in a fair and legally compliant manner. Another federal lawsuit, *NAACP & League of Women Voters of Indiana v. Lawson*, No. 17-02897 (S.D. Ind. Aug. 23, 2017), also challenges this problematic Indiana law (Senate Enrolled Act 442).

2. Common Cause Indiana v. Marion County Election Bd., No. 17-cv-01388-SEB-TAB (S.D. Ind. May 2, 2017)

Early voting has long been a critical tool for fair access to the polls, particularly for communities of color and low-income communities. Indiana election law permits early voting at the office of the circuit court clerk and any satellite location established by the county election board.<sup>11</sup> Satellite locations must be unanimously approved.<sup>12</sup>

The Marion County Election Board approved two satellite locations for the 2008 general election. Of the Marion County citizens who voted in that election, 19.3% cast early ballots. The election board did not approve satellite locations for the 2012 and 2016 general elections, however, and the number of Marion County citizens who voted early dropped to 10.8% and 12.7% respectively, with a corresponding decrease in the overall number of citizens who voted in those elections.<sup>13</sup> It also did not approve satellite locations for the midterm elections in 2010 and 2014. In each instance, a majority of the Board voted to approve satellite early voting locations, but the Republican member voted against, defeating the resolution.

After the 2016 election, Common Cause Indiana and the NAACP sued the Marion County Election Board and the Indiana Secretary of State. Failing to approve satellite early voting locations, they allege, violates due process and creates an unequal system of early voting. They also allege that

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Illinois House Elections & Campaign Finance Committee, <https://www.clccrul.org/s/2017-11-15-Crosscheck-Testimony-Chicago-Lawyers-Committee.pdf>.

<sup>11</sup> See Indiana Code § 3-11-10-26; Indiana Code § 3-11-10-26.3.

<sup>12</sup> Indiana Code § 3-11-10-26.3(b).

<sup>13</sup> The complaint in this case alleges that failing to approve satellite locations for early voting caused (1) “long lines and wait times for early voting at the office of the circuit court clerk in Indianapolis,” (2) “a dramatic decrease in the number of voters who cast an early in-person absentee vote in 2012 and 2016 as compared to the numbers of voters who voted early in 2008 when satellite locations were approved and used,” and (3) an increase in the number of voters who “cast an in-person ballot on Election Day, thus resulting in increased lines and wait times at precinct polling places.” Complaint ¶ 27. It also observes that “in each county contiguous to Marion County where satellite sites have been approved,” voter turnout has “steadily increased.” Complaint ¶ 30.





this unequal system of early voting disproportionately harms African Americans, because Marion County has the highest percentage of African Americans of any county in Indiana.

Statistics alleged in the complaint reveal a stark contrast between Marion and its neighboring counties. For the 2016 election, Marion County had just one early voting site for its 699,709 registered voters. By contrast, Hamilton County had three, a ratio of one early voting site for every 76,929 voters; Hendricks County had four, a ratio of one early voting site for every 27,476 registered voters; and Johnson County had six, a ratio of one early voting site for every 17,924 registered voters.

Plaintiffs moved for a preliminary injunction in January 2018. A hearing on the motion is scheduled for April.

3. Indiana NAACP v. Lawson, No. 17-cv-00334 (N.D. Ind. Aug. 9, 2017)

In May 2017, the Indiana General Assembly enacted S.B. 220, known as the Lake County Precinct Consolidation Law. The law mandates that Lake County consolidate “small precincts,” defined as precincts with fewer than 600 active voters as of November 1, 2016. Ind. Code Ann. § 3-6-5.2-10. Approximately 294 of Lake County’s 522 precincts are eligible for consolidation.

The NAACP and six Lake County residents have challenged the law under the 14th Amendment’s equal protection clause, the First Amendment, and Section 2 of the federal Voting Rights Act. They argue that consolidating precincts in Lake County—and only Lake County—denies Lake County voters equal protection of the law by unequally burdening their right to vote without any rational basis. It burdens the right to vote, they allege, by causing voter confusion, imposing search costs, forcing voters to travel longer distances to vote, and increasing wait times at the polls.<sup>14</sup> The General Assembly justified these burdens as necessary to reduce election administration costs, but no legislation has been introduced to consolidate the 1,345 “small precincts” in counties other than Lake County.

Plaintiffs also claim that the law disproportionately burdens voters of color, because Lake County has one of Indiana’s largest minority populations, and within Lake County, consolidation would fall most heavily on precincts in three majority-minority cities: Gary, East Chicago, and Hammond. Moreover, according to the complaint, the social and economic conditions of these cities—caused in part by historical and ongoing discrimination—will exacerbate the effects of these burdens. Plaintiffs also outline the harms to low-income voters caused by polling place consolidation.

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<sup>14</sup> Additionally, if a voter goes to the wrong precinct and casts a provisional ballot, under Indiana law, the ballot will not be counted, resulting in disenfranchisement. Plaintiffs allege that “[s]tudies of the effects of precinct consolidation in other states have shown that the rate of out-of-precinct voting is 40% higher for voters who experience a change in polling place; turnout was lower among those voters whose polling locations changed; and out-of-precinct voting is far more common among minorities than among non-Hispanic Whites.” Compl. ¶ 125.



Although election administration costs are important to consider when determining whether to consolidate polling places, cost-cutting must not trump the rights of voters who have been disenfranchised in the past and continue to face exclusion from our election systems even today.

A bench trial in this case is currently scheduled for September 2018.

## V. Conclusions and Recommendations

Numerous voting barriers can be resolved when lines of communication are open between advocates, voters, election officials, and legislators who formulate election laws and policies. In order to improve election administration, it is essential for election officials and government leaders to earn the trust of voters. Renewed rhetoric about widespread voter fraud threatens to weaken such trust and intimidate voters. We urge government leaders to denounce restrictive voting laws and myths of widespread voter fraud.

Voting rights are intertwined with civil rights more broadly. In our civil rights work, we see that barriers to voting and civic engagement can cause or exacerbate barriers to education, housing, economic stability, and safety. And for community members facing inequities, it is difficult for communities to achieve meaningful change unless there is a mechanism to elect candidates of their choice and hold government leaders accountable. While we focused our remarks today on a few examples of barriers to voter access, we urge the United States Commission on Civil Rights to keep in mind the broader systemic barriers to voting and civic engagement and to continue working with federal agencies, local election administrators and government leaders, and community advocates to address them.

Voting rights are fundamental, not only as an inherently vital part of our democratic system, but also as a means for self-empowerment and self-determination for all of our communities. It is imperative that our laws reflect our values and that our government actively seeks to ensure the full and fair right to vote for all eligible voters.



October 7, 2016

Secretary of State Connie Lawson  
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Secretary Lawson:

We write in regard to the Indiana State Police's ("ISP") ongoing investigation into voter registrations submitted by the Indiana Voter Registration Project ("IVRP"). We are an independent, nonpartisan, nonprofit legal organization, formed in 1963 at the request of President John F. Kennedy to enlist the private bar's leadership and resources in the civil rights efforts of that day. Today, we lead the nation's largest nonpartisan voter assistance hotline with the Election Protection coalition. We are concerned that the timing of this investigation could negatively affect the ability of eligible voters to exercise their right to vote in the upcoming election.

Your office first publicly announced the investigation on September 15, 2016. On Tuesday of this week, ISP announced that it had raided the IVRP's offices—seizing computers, employee cellphones, and registration paperwork—and would be expanding its investigation from two to nine counties. Two days later, IVRP announced that it had formally requested that the U.S. Department of Justice initiate an investigation into “efforts by public officials of the State of Indiana to suppress tens of thousands of African American votes.” At 6:13 PM on the same day, ISP reported that its investigation had expanded to 57 counties.

We are not in a position to know whether IVRP has engaged in any actions that violate Indiana law. Instead, we write out of concern that eligible voter registrants not be disenfranchised. It is our understanding that the IVRP has submitted over 45,000 voter registrations for processing. This week, ISP reported that investigators believe that “the total of potentially fraudulent records may be in the hundreds.” Even if this number is accurate, the number of legitimate registrations submitted by the IVRP would be over 44,000. No eligible Hoosier should be prevented from registering because of delays caused by this investigation. Both state and federal law require state officials to accept voter registration forms completed by eligible citizens in a timely manner. The Indiana code provides that county voter registration offices “shall send a notice to each person from whom the county voter registration office receives a voter registration application.” Ind.



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Code § 3-7-33-5(b). If the applicant is eligible to vote, the notice must state the name of the precinct in which the voter is registered and the address of the voter's polling place. *Id.* If the county voter registration office denies the application, the notice must include the reasons for denial. *Id.* The Indiana Voter Registration Handbook instructs, furthermore, that county voter registration offices must attempt to cure defects in voter registration applications. It is a felony for a public official to knowingly omit to perform a duty imposed by Indiana election law. *See Id.* 3-14-4-3.

In addition, under the National Voter Registration Act, State' are required to "ensure that any eligible applicant is registered to vote in an election" provided that the valid registration form is submitted by, or on behalf of the applicant, by the registration deadline. 52 U.S.C.A. § 20507. The NVRA also mandates that the State must "require the appropriate State election official to send notice to each applicant of the disposition of the application. *Id.* Absent specific evidence that a form – whether submitted by IVRP or anybody else – is invalid, county registrars must process voter registration forms received on or before the October 11 deadline so that those applicants are registered and able to vote in the November 8 election.

In addition, we are troubled by the timing of ISP's actions. Election fraud criminal investigations taking place a week before the registration deadline could foreseeably create a chilling effect, hampering legitimate voting registration efforts and inciting fear among voters. While the State of Indiana has an obligation to guard against fraudulent voter registration, we are concerned that the investigation currently underway could inadvertently disenfranchise the tens of thousands of eligible voters who registered through the IVRP. Even if procedures are in place for preventing disenfranchisement, these voters are doubtless feeling confusion and worry about the status of their registrations. We thus urge you to publicly address these concerns in advance of the October 11 registration deadline. In particular, we ask that you identify how many of the 45,000 voter registrations remain to be processed and communicate your procedures for doing so.

In a press release this week, ISP emphasized that it is "dedicated to protecting the right for all citizens to be able to cast a valid vote regardless of political party affiliation." We ask that the State of Indiana make good on that commitment by providing needed guidance to the tens of thousands of eligible voters who submitted registrations through the Indiana Voter Registration Project.



**LAWYERS' COMMITTEE FOR  
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U N D E R L A W**

1401 New York Avenue, NW  
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Washington, DC 20005-2124

Appendix B.2\_Gandhi and Owens Statement  
Tel: 202.662.8600  
Fax: 202.783.0857  
[www.lawyerscommittee.org](http://www.lawyerscommittee.org)

You can reach me at (202) 662-8346 or [mblanco@lawyerscommittee.org](mailto:mblanco@lawyerscommittee.org) to discuss any of the concerns raised in this letter. Thank you for your attention and anticipated cooperation.

Sincerely,

Marcia Johnson-Blanco  
Co-Director, Voting Rights Project  
Lawyers' Committee for Civil Rights Under Law

*Co-Chairs*

Donald J. Rosenberg  
John M. Nonna

*Secretary*

Eleanor H. Smith

*Treasurer*

Andrew W. Kentz

*General Counsel*

Nicholas T. Christakos

SECRETARY OF STATE  
STATE OF INDIANA  
200 W. WASHINGTON STREET, INDIANAPOLIS, IN 46204

April 3, 2018

Ms. Dianne Clements-Boyd, Chair  
Indiana Advisory Committee to the  
United States Commission on Civil Rights  
55 West Monroe Street, Suite 410  
Chicago, IL 60603


Re: March 2, 2018 Public Meeting on Status of Voting Rights in Indiana -- submission of  
comments and materials

Dear Ms. Clements-Boyd,

The office of the Indiana Secretary of State herewith respectfully submits comments and  
materials for inclusion in the record of the Indiana Advisory Committee's March 2<sup>nd</sup>  
2018 public hearing on voting rights in Indiana.

Questions or requests for additional information from the Advisory Committee or staff  
are most welcome.

Truly yours,

  
Jerold A. Bonnet, General Counsel  
Office of the Indiana Secretary of State  
200 W. Washington St, Room 201  
Indianapolis, IN 46204  
Office: 317-232-6534  
Email: [jbonnet@sos.in.gov](mailto:jbonnet@sos.in.gov)

Enc.

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

**Comments:**

1. The office of the Indiana Secretary of State does not believe, and is unaware of conclusive evidence that Election Day poll opening and closing hours observed in Indiana coupled with opportunities for early voting and absentee voting by mail and travelling board either serve as an impediment to voting or have a discriminatory impact.
2. The office of the Indiana Secretary of State does not believe that the unavailability of “no-excuse” absentee voting by mail either serves as an impediment to voting or has a discriminatory impact.
3. The office of the Indiana Secretary of State does not believe that the unavailability “time off for voting” either serves as an impediment to voting or has a discriminatory impact.
4. The office of the Indiana Secretary of State believes that the best source of information concerning matters subject to ongoing litigation are the court records and official findings and determinations from those proceedings (i.e.: voter ID, voter list maintenance, early voting locations, redistricting and partisan gerrymandering, precinct consolidation etc.).
5. The office of the Indiana Secretary of State believes that there has been a great deal of misinformation and exaggeration concerning routine, NVRA mandated voter list maintenance (see **Attachments A and B**).
6. The office of the Indiana Secretary of State disagrees with blanket assessments that voter fraud does not exist or is not a legitimate matter of public concern (see **Attachment C**).
7. The office of the Indiana Secretary of State believes that county clerks and election boards are best suited to determine and agree on places for voting and that neither past nor future opportunities for early voting in Marin County serve as an impediment to voting or have a discriminatory impact (see **Attachment D**).
8. Dr. Bernard Fraga did not respond to the office’s request (September, 2017) for the research report and data upon which is assessments of the racial impact of voting administration are based. Published research on the impacts of voting regulations on turnout reviewed by the office appear to be inconclusive and even contradictory (see **Attachment E**).

9. Based on the prevailing U.S. Census determination, Indiana does not contain any language minority jurisdictions. However in recognition of the state's Latino population, Spanish language voting guides, notices and forms are produced and distributed throughout the state (see **Attachment F**).
10. At the hearing Ms. Karen Celestino-Horseman implied that in Indiana a serious sex offender could not vote in-person at the polls and indicated that in Indiana a serious sex offender cannot vote absentee by mail. That statement was incorrect. In Indiana a serious sex offender (assuming they are not incarcerated) may vote early in-person at the office of their county clerk, and on Election Day at their precinct poll, except in a case where such person lives in a county where the only precinct poll available is a school. Serious sex offenders are specifically permitted to vote absentee by mail however (see IC 3-11-19-24(a)(12) and IC 35-42-4-14(b)).

**Additional Materials:**

1. 2018 Indiana Voter Registration Guidebook – (at the request of the Committee)  
<http://www.in.gov/sos/elections/files/2018%20VR%20Guidebook.FINAL.pdf>
2. 2018 Indiana Election Administrator's Manual  
<http://www.in.gov/sos/elections/files/2018%20Election%20Administrator%27s%20Manual.FINAL.pdf>
3. Attachment A – NVRA Voter List Maintenance Activity.
4. Attachment B – Interstate Voter Registration Crosscheck Activity.
5. Attachment C – Voter Registration Fraud and Abuse.
6. Attachment D – Early In-Person Absentee Voting in Marion County Indiana.
7. Attachment E – Voter Turnout and Minority Status.
8. Attachment F – Spanish Language Voting Guides, Notices and Forms.





Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

## Attachment A

1. Media report “Indiana cancels nearly half a million voter registrations” 3/18/2017.
2. WNDU report “28,000 voter registrations”cancelled” in St. Joseph Co.  
“2/8/2018”.
3. Correspondence from the office of the Indiana Secretary of State to WNDU  
pointing out inaccuracies in reports of mass cancellations of voter registrations.
4. Correspondence from WNDU apologizing for inaccurate, misleading reporting on  
voter registration maintenance.
5. NVRA notice from Judicial Watch – alleging Indiana counties were failing to  
maintain accurate voter registration lists.
6. Lists of 58 Indiana counties where voter registration was 90% or more than the  
voting eligible population (circa June, 2014).
7. Correspondence from the U.S. Justice Department alleging that many Indiana  
counties were failing to perform routine voter list maintenance in violation of the  
NVRA (12/7/2011).
8. Press release announcing dismissal of NVRA litigation and Indiana’s  
commitment to performing routine voter list maintenance.



# Indiana cancels nearly half a million voter registrations

- Dan Carden dan.carden@nwi.com, 317-637-9078

Daniel Carden

- Apr 18, 2017

INDIANAPOLIS — Nearly half a million individuals have been deleted from Indiana's list of registered voters since the Nov. 8, 2016, general election.

Republican Secretary of State Connie Lawson said Tuesday that the removals are part of an ongoing effort to clean up the state's voter records after she determined her predecessors largely ignored the time-consuming task.

"I discovered voter list maintenance was not being done statewide and many outdated voter registrations were still on the rolls," Lawson said. "I made it a priority to ensure our state's list was accurate and that we followed the federal law."

Across Indiana, 481,235 registered voters were purged, or about 10 percent of the state's total.

That includes 28,887 in Lake County, 10,240 in Porter County, 9,425 in LaPorte County, 1,542 in Jasper County and 1,431 in Newton County, according to the secretary of state's office.

The process began in 2014 when Lawson mailed a postcard to every registered voter in the state.

Those returned as undeliverable were sent a second, forwardable postcard in an effort to verify the voter still lived at the address in his or her registration record.

Hoosiers receiving the second postcard who did not take action to update their voter record, or those that again could not be delivered, were marked as "inactive" in the state's voter database.

"Inactive" voters who did not cast a ballot in a 2014, 2015 or 2016 election, or take any action to correct their address, had their registrations cancelled after not voting in November.

Lawson said most individuals who did not participate in those elections should still be registered, unless the state or their county received information the voter has died, is disqualified or no longer living at their address.

Hoosiers can verify and update their voter registration record online at [IndianaVoters.com](http://IndianaVoters.com).

"Updating these records will help us create a more accurate picture of voter turnout for the state, which has been reported as inaccurately low due to the large number of outdated registrations, while protecting the integrity of our elections," Lawson said.

Indeed, Indiana's 58 percent voter turnout in the November election would have been 65 percent if the purged individuals were not counted as registered voters.

That would have given Indiana the 16th highest turnout in the country instead of the eighth lowest.

Reader reaction: Love 13; Funny 6; Wow 6; Sad 8; Angry 39

## 28,000 voter registrations 'cancelled' in St. Joseph Co.

By Mark Peterson |

Posted: Thu 5:06 PM, Feb 08, 2018 |

Updated: Thu 10:16 PM, Feb 08, 2018

The next election could be full of surprises. Not necessarily those associated with counting the ballots—but casting them.



"It is my belief that it is a large number of people that will try to come out and vote this year, and will find out on Election Day that they're no longer allowed to vote," said Jason Critchlow, Chairman of the St. Joseph County Democratic Party.

Some 481,000 voter registration forms were 'cancelled' or tossed out last year across the State of Indiana. About 50,000 of them were in St. Joseph and Elkhart counties combined.

While it's presumed the forms belonged to people who moved, died, or had a name change, the fear is some belonged to folks who just weren't paying attention.

The first potential pitfall in the voter registration purging process is that it was carried out entirely through snail mail.

"It was a post card that people would get in the mail and it would ask you if you were still currently residing at that address, and if you didn't return it back, you got two (additional) mailings sent to you and then if you didn't respond to those, then you were considered a cancelled voter," explained Arielle Brandy, Democratic Party member of the St. Joseph County Voter Registration Board.

In St. Joseph County alone some 28,000 people who failed to respond to the post cards and failed to cast a ballot in the past two general elections lost their voting privileges at the polls in the purge at a time when folks are arguably more focused on phoning things in.

"There are lots of people out there that received this post card in the mail, didn't think it was something that that they didn't look at it they didn't pay attention close to it. My generation, it's a cultural thing it's a generational thing, you know my generation, I can't remember the last time I sent a piece of actual mail from my house, actually put a stamp on something," said Critchlow.

Since Indiana law requires to register a full 30 days before an election Critchlow fears people pinched in the purge won't discover their sidelined status until it's too late. "It is my belief that it is a large number of people that will try to come out and vote this year, and will find out on Election Day that they're no longer allowed to vote."

Checking your voter registration status online is quick and easy at:

[indianavoters.in.gov](http://indianavoters.in.gov)

Indiana's 2018 Primary Election will take place on May 8th and the deadline to register to vote is April 9th.

St. Joseph County Democrats have obtained a list of the people who were purged and plan to go door to door to offer to re-register them in March.

One of the reasons for cleaning up the voter registration rolls is to get a clearer picture of voter turnout. Some have long complained that there are a lot of people on the voter registration rolls who have since moved elsewhere and are skewing the stats.

For instance, Indiana had a 58 percent voter turnout in November 2016, which was eighth lowest in the nation.

When the figure is adjusted with post purge data, the turnout rises to 65 percent and ranks as the 16th highest in the nation.

The purge is also being challenged in federal court in a civil suit filed by the NAACP and the League of Women Voters.

**Bonnet, Jerry (SOS)**

---

**From:** Bonnet, Jerry (SOS)  
**Sent:** Friday, February 09, 2018 5:23 PM  
**To:** 'Mark.peterson@wndu.com'  
**Subject:** WNDU's alarming report on St. Joseph County voter registrations (aired 2/8/2018)  
**Attachments:** 2014 Indiana voter registration data clean up case settlement.pdf; 2014 Indiana counties with over 100 pct voter registration.pdf; 2016 Indiana\_Election\_Day\_Handbook.FINAL.pdf; 2016 Indiana Election Day Protection Handbook.pdf; 2008 Lake County voter registration fraud CNN report.pdf; 2017 Indianapolis voter registration fraud case.pdf; 2012 Indiana complaints about poor voter list maintenance.pdf  
  
**Importance:** High

Dear Mr. Peterson,

I've been asked to contact you and your news reporting organization on behalf of the Office of the Indiana Secretary of State concerning your 2/8/2018 story/news report titled "28,000 voter registrations "cancelled" in St. Joseph County.

It's my impression is that your report contains numerous specific inaccuracies, the overall conclusions are inaccurate and misleading, and the depth of your research or investigation appears to have been limited to the St. Joseph Democratic party chairman and a Democratic party representative on the county board of voter registration – neither of whom presents as being particularly well informed or unbiased.

Mark, it's not my intention to beat you up about this, but rather to inform you in a friendly way, that the Indiana Secretary of State and the bi-partisan Indiana Election Division are happy to provide accurate information about federal and state law pertaining to state and county voter list management and maintenance, longstanding federal and state voting safeguards (that operate to prevent the type of voter disenfranchisement described in your report) and, important historical perspectives on the state of Indiana's long term effort to centralize, modernize and standardize voter registration recordkeeping. (I will point out that the image in your video of the St. Joseph County Voter Registration Board's mechanical file cabinet crammed with tens or hundreds of thousands of index cards is accurate and illustrative of antiquated, problematic recordkeeping practices that the State has been working for nearly 15 years to improve upon).

First, by way of background - after the problematic, unsettling 2000 Presidential Election (Bush v. Gore) it was widely recognized that voter registration records throughout the nation (mostly managed and maintained by county level boards) had not been well maintained - and were significantly bloated with inaccurate, obsolete and duplicate registrations. This situation was due in part to federal initiatives (such as the National Voter Registration Act (NVRA) commonly known as the "Motor-Voter Act") that made it quite easy for individuals to register to vote (and along with mandated assistance of government agencies, even be registered multiple times at multiple locations). Such laws simultaneously made the cancellation of an obsolete or duplicate voter registration a relatively difficult, time-consuming and bureaucratic exercise for county voter registration offices.

I've attached a few documents to illustrate the problem of inaccurate, oversubscribed voter registration rolls :3 letters of complaint complaints about bloated voter registration rolls; an exhibit from a resulting lawsuit showing that as late as 2014 St. Joseph was one of 14 Indiana counties that that had more active voter



registrations on file then their total voting eligible population (yes, apparently *over 100%* of St. Joseph county residents age 18 and above were registered to vote); reports of “over” voter registration fraud and; a press release about the settlement of a case alleging inadequate voter list maintenance, and detailing Indiana’s commitment to improving the accuracy of the state’s voter registration rolls).

Second, I would like you to be aware that there is a common misconception among people not familiar with the technical aspects of voter registration administration and recordkeeping, that identifying and removing inaccurate, erroneous, obsolete or duplicate voter registration is functionally equivalent to “cancelling” or purging a living, breathing person’s voter registration (also, perhaps at some point you might explain to me why the headline of your story has the word *cancelled* in quotation marks). Voter rights groups and political parties tend to perpetuate this misperception – for political aims. I don’t think I can emphasize strongly enough however, that the removal of an obsolete or duplicate voter registration record is not tantamount to cancelling an eligible person’s registration or jeopardizing anyone’s right to vote.

Also I think your sources have misled you on the notion that large numbers of voters are sent post cards which if not taken notice of and responded to, will result in the cancellation of their registration. What’s missing, and important to understand, is that the *only instance* where a notice is sent that a person would need to respond to, is where mail being sent to the address of record is being returned as undeliverable or the voter registration office learns that a person has left a forwarding address. Thus, the only person who can expect to receive a confirmation notice that needs to be responded to is one who’s postal address doesn’t match up with their voter registration record – a situation with ought to be corrected.

Virtually 100% of the registrations cancelled as a result of voter list maintenance activity (i.e. “28,000 voter registration record in St. Joseph County”) are obsolete, which is to say that the person named on the registration record has died or moved away, or the registration is a duplicate. The voter registration records that are being cleaned up (or “purged” to use the Democratic party’s preferred pejorative) do not represent or match up to, actual living, eligible voters. During the modern era of voter list up keeping (over the past 15 years or so) the Secretary of State, bi-partisan state Election Division and voter rights groups have carefully monitored Indiana’s updating of county voter registration records (pursuant to federal law, Indiana law, and litigation consent agreements resulting from lawsuits over counties’ poor voter registration record keeping). Cases where people show up at the polls to find that their voter registration has been cancelled as the result of the state’s regular (bi-partisan administered) voter list maintenance are virtually nonexistent. (“I’m sorry Virginia, but voter list maintenance is not a grand conspiracy to disenfranchise eligible voters).

Another inaccuracy in your report I’d like to address is that in the *unlikely event* that an *actual, eligible voter’s* registration is erroneously cancelled (which can only be done by the local bi-partisan voter registration board) such voter *has not lost their right to vote!* If at any time (including 30 days before an election, when ordinary voter registration is closed) a person should learn that their registration has been cancelled due to confusion or mistake, the only thing they need to do to reinstate their registration is contact their local voter registration office and confirm or update their address. In the alternative, a person whose registration has been cancelled can simply go to an early voting center, or go to their poll on Election Day, or apply for an absentee ballot – any of which will lead to the reinstatement of their registration. No documentation or proof of their address is required. As unbelievable as it may sound, if a person discovers *on Election Day, at the polls*, that their registration was cancelled, all they need to do to reinstate their registration and to vote, is sign a form confirming their address.

You don’t have to take my word - that a person whose registration has been canceled’s *right to vote* is soundly protected and observed in Indiana. Just take a look at the *2016 Indiana Election Day Handbook*, pages 14 – 17 (copy attached) and the *Indiana Election Day Protection Handbook*, pages 4 and 5 (copy attached). You may also contact the Indiana Election Division (a bi-partisan state agency independent of the office of the Secretary

of State) to confirm Hooser's protected voting rights, to verify information you may receive from local political party representatives, or to learn more generally about voter registration and voter list maintenance in Indiana:

Indiana Election Division

J. Bradley King, Co-Director (R) (317) 233-0929 email: [bjking@iec.in.gov](mailto:bjking@iec.in.gov)

Angelia Nussmeyer, Co-Director (D) (317) 232-3940 email: [anussmeyer@iec.in.gov](mailto:anussmeyer@iec.in.gov)

Finally – about that lawsuit in Marion County you mention. The voter list maintenance activity your report addresses - that the St. Joseph County Democratic party chairman is trying to raise hackles about, is not the subject of the referenced lawsuit. If you had inquired, you would note that the lawsuit is about a 2017 legislative enactment concerning a different voter registration list maintenance program. The lawsuit is about a technical aspect of a multi-state compact for comparison of computer voter registration data to identify voters who may have moved from one state to another without updating their voter registration. On account of the relatively recent legislative change and the upcoming Primacy Election, the Indiana Election Division decided to suspend that program for the time being so that the legal review would not interfere with the upcoming Primary Election. So that case is not a factor in the issue you were investigating and reporting on. Happy to discuss these matters anytime - at your convenience.

Thanks and truly yours,

Jerry Bonnet

Jerold A. Bonnet, General Counsel  
Office of the Indiana Secretary of State

Office: 317-232-6534 email: [jbonnet@sos.in.gov](mailto:jbonnet@sos.in.gov)



**Bonnet, Jerry (SOS)**

---

**From:** Mark Peterson <mark.peterson@wndu.com>  
**Sent:** Wednesday, February 14, 2018 10:11 AM  
**To:** Bonnet, Jerry (SOS)  
**Subject:** RE: WNDU's alarming report on St. Joseph County voter registrations (aired 2/8/2018)

\*\*\*\* This is an EXTERNAL email. Exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email. \*\*\*\*

I'm still reeling over how things went so awry on February 8, 2018.

I apologize.

The assignment seemed simple enough. The St. Joseph County Democratic Chairman sent a Facebook message asking volunteers to attend a meeting that evening.

It stated that 28,000 voter registrations had been cancelled. He obtained the correlating documentation and was planning to go door to door to said residences on a date in March in response.

We thought 28,000 seemed noteworthy, and perhaps it was an opportunity well in advance of the Primary Election to remind everyone to check their voter registration status and to remind anyone who changed residences of the need to update their registrations.

The flaw in our plan was that the chairman would apparently be unable to state a single legitimate reason for his concerns (as per your correspondence) and his plans to double check the purge in a way that he believed had not happened up to this point.

Ironically, our attempt to promote participation in the democratic process was construed as an assault on its integrity.

There was no malice: that was not our intent.

As for permission to use our piece in any public hearing format that would have to come from station management.

Sincerely  
Mark Peterson  
News Reporter  
WNDU TV





**Judicial  
Watch**  
*Because no one  
is above the law!*

RECEIVED  
IND. SECRETARY OF STATE

FEB 09 2012

February 6, 2012

*VIA CERTIFIED MAIL*

The Honorable Charlie White  
Indiana Secretary of State  
200 W. Washington St., Room 201  
Indianapolis, IN 46204

Mr. J. Bradley King  
Mr. Trent Deckard  
Co-Directors, Indiana Election Division  
302 W. Washington St., Room E204  
Indianapolis, IN 46204

**Re: Apparent Violations of Section 8 of the National Voter Registration Act,  
42 U.S.C. § 1973gg-6**

Dear Secretary White and Messrs. King and Deckard:

We believe that Indiana is in violation of Section 8 of the National Voter Registration Act ("NVRA"), which requires States to maintain accurate lists of eligible voters for use in conducting federal elections.<sup>1</sup> As you may know, Congress enacted Section 8 of the NVRA to protect the integrity of the electoral process. This letter serves as advance notice that a lawsuit may be brought against you if you do not take action to correct this apparent violation of Section 8 within 90 days. We hope that litigation will not be necessary.

Allowing the names of ineligible voters to remain on the voting rolls harms the integrity of the electoral process and undermines voter confidence in the legitimacy of elections. As the U.S. Supreme Court has stated, "[P]ublic confidence in the integrity of the electoral process has independent significance, because it encourages citizen participation in the democratic process."<sup>2</sup>

As the top election officials in Indiana, it is your responsibility under federal law to conduct a program that reasonably ensures that the lists of eligible voters are accurate. The following information explains the NVRA violations we allege and the remedial steps you need to take to comply with the law.

<sup>1</sup> NVRA Section 8 responsibility lies with the State of Indiana and your offices. *See US v. State of Indiana*, Consent Decree and Order, ¶ 4, Civil Action No. 1:06-cv-1000-RLY-TAB (S.D. Ind., July 5, 2006); *See also* Ind. Code §§ 3-7-11-1, 3-7-11-2.

<sup>2</sup> *Crawford et al. v. Marion County Election Board*, 553 US 181, 197 (2008).

The Honorable Charlie White  
 Messrs. J. Bradley King and Mr. Trent Deckard  
 February 6, 2012  
 Page 2

**1. The NVRA Requires You to Undertake Reasonable Efforts to Maintain Accurate Lists of Eligible Registered Voters**

Under Section 8 of the NVRA, Indiana is required to undertake a uniform, nondiscriminatory voter registration list maintenance program that complies with the Voting Rights Act of 1965. 42 U.S.C. § 1973gg-6(b)(1). Specifically, Section 8 requires Indiana to make a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters due to (A) "the death of the registrant" or (B) "a change in the residence of the registrant" to a place outside the jurisdiction in which he or she is registered. 42 U.S.C. § 1973gg-6(a)(4).

This obligation is augmented by the Help America Vote Act ("HAVA"), which among other duties, requires Indiana to "ensure that voter registration records in the State are accurate and updated regularly" and undertake a "system of file maintenance that makes a reasonable effort to remove registrants who are ineligible to vote from the official list of eligible voters." 42 U.S.C. §§ 15483(a)(4) and 15483(a)(4)(A). HAVA also requires that Indiana coordinate its computerized statewide voter registration list with State agency death records. 42 U.S.C. § 15483(a)(2)(A)(ii)(II).

Programs to remove the names of ineligible voters from the official lists of eligible voters must be completed 90 days prior to a primary or general election. 42 U.S.C. § 1973gg-6(c)(2)(A). This year's general election is on November 6, so your list systematic maintenance programs must be both implemented and completed by **August 8, 2012**.

**2. Indiana Does Not Appear to be Maintaining Accurate Eligible Voter Lists**

Based on our review of 2010 census data and publicly available eligible voter lists, it appears that Indiana is failing to comply with the voter registration list maintenance requirements of Section 8 of the NVRA. For example, it appears that there are more people registered to vote in the Counties of Scott, Spencer, Crawford, Warrick, Tipton, Franklin, Warren, Union, Orange, Brown, Hancock, and Newton than there are adults over the age of 18 living in each county. Even if every single eligible voter in these counties were registered to vote, the eligible voter lists would still appear to contain the names of voters who have either moved out of the county or are dead. This is particularly troubling in light of the 2006 consent decree between your state and the U.S. Department of Justice. As you know, that order requires the State of Indiana to take enforcement action against counties that fail to maintain accurate eligible voter lists.

The above information strongly suggests Indiana has not been maintaining its eligible voter lists and is therefore in violation of the NVRA. Equally importantly, your apparent failure to maintain accurate, up-to-date voter registration lists creates a risk that elections in November 2012 and beyond may lack the integrity required by the NVRA and undermine public confidence in the electoral process. We are hopeful that you will outline and begin implementation of a reasonable compliance program quickly.

The Honorable Charlie White  
Messrs. J. Bradley King and Mr. Trent Deekard  
February 6, 2012  
Page 3

### **3. Failure to Comply with NVRA Subjects You to Lawsuits and Financial Costs**

As you may know, a lawsuit may be brought against you under the NVRA if you fail to correct these violations within 90 days of your receipt of this letter. You are receiving this letter because you are the designated chief state election officials under the NVRA.

While you may be aware that U.S. Attorney General Eric Holder has prioritized enforcement of Section 7 of the NVRA, which seeks to expand opportunities to register to vote, the Attorney General has not demonstrated any similar interest in prioritizing enforcement of the list maintenance provisions of Section 8 of the NVRA. Nonetheless, Section 8 is an important counterpart to Section 7. The two provisions represent a carefully crafted compromise by the U.S. Congress to increase both voter registration **and** the integrity of voter rolls. In passing NVRA, Congress authorized a private right of action to enforce the provisions of the NVRA, including Section 8. 42 U.S.C. § 1973gg-9(b). Congress also authorized awards of attorney's fees, including litigation expenses and costs, to the prevailing party. 42 U.S.C. § 1973gg-9(c). Consequently, if we initiate a lawsuit under the NVRA and the court finds you in violation, you will be responsible for paying our attorney's fees, costs, and litigation expenses.

### **4. Avoidance of Litigation**

In order to avoid litigation, we hope you will promptly initiate efforts to comply with the NVRA so that no lawsuit will be necessary. We ask you to please respond to this letter in writing no later than 45 days from today, or by March 22, 2012, informing us of the compliance steps you are taking. Specifically, we ask you to: (1) conduct a systematic, uniform, nondiscriminatory program (or take action under such an existing program) to remove from the list of eligible voters the names of persons who have become ineligible to vote by reason of death or change in residence; and (2) complete this program no less than 90 days prior to the November election. In addition, we also ask you to begin all other steps outlined above for routine list maintenance between now and the November election. If you have already taken steps to maintain the accuracy of your eligible voter list that correct the problems described above in part 2 of this letter, please identify those steps in detail and advise us of the results of those efforts.

Finally, pursuant to the requirements of the NVRA, please make available to us all pertinent records concerning "the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency" of Indiana's official eligible voter lists during the past 2 years. 42 U.S.C. § 1973gg-6(i).

We hope our concerns can be resolved amicably. However, with the November 2012 election on the horizon and in light of the importance of Section 8 of the NVRA to ensuring the integrity and legitimacy of the electoral process, we must emphasize the importance of



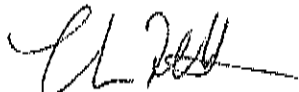
The Honorable Charlie White  
Messrs. J. Bradley King and Mr. Trent Deckard  
February 6, 2012  
Page 4

timeliness. Accordingly, if we believe you do not intend to correct the above-identified problems, a lawsuit seeking declaratory and injunctive relief may be necessary.

We look forward to your timely response.

Sincerely,

**JUDICIAL WATCH, INC.**

A handwritten signature in black ink, appearing to read 'T. Fitton', with a long horizontal flourish extending to the right.

Thomas J. Fitton  
President

cc: J. Christian Adams, Esq.  
Election Law Center

Case 1:12-cv-00800-WTL-TAB Document 89-1 Filed 06/03/14 Page 2 of 4 PageID #: 1109

			Enter the total number of persons in your jurisdiction who were registered and eligible to vote in the November 2012 general election.	
State	Jurisdiction	Total County Population 18+	QA1a	QA1a/pop 18+
IN	CRAWFORD COUNTY	8,255	9253	112%
IN	WARRICK COUNTY	45,347	50011	110%
IN	FRANKLIN COUNTY	17,204	18602	108%
IN	SCOTT COUNTY	18,271	19345	106%
IN	TIPTON COUNTY	12,258	12958	106%
IN	UNION COUNTY	5,588	5869	105%
IN	ORANGE COUNTY	14,905	15556	104%
IN	CLARK COUNTY	85,643	88632	103%
IN	WARREN COUNTY	6,498	6694	103%
IN	BROWN COUNTY	12,097	12415	103%
IN	ST. JOSEPH COUNTY	201,889	205144	102%
IN	VANDERBURGH COUNTY	141,069	142904	101%
IN	NEWTON COUNTY	10,940	11037	101%
IN	HARRISON COUNTY	30,211	30367	101%
IN	MARTIN COUNTY	7,880	7877	100%
IN	BOONE COUNTY	42,852	42711	100%
IN	DEARBORN COUNTY	37,772	37490	99%
IN	HAMILTON COUNTY	204,962	202290	99%
IN	RIPLEY COUNTY	21,323	20976	98%
IN	HOWARD COUNTY	63,794	62479	98%
IN	HANCOCK COUNTY	53,129	52002	98%
IN	FLOYD COUNTY	57,817	56463	98%
IN	STARKE COUNTY	17,735	17315	98%
IN	SPENCER COUNTY	16,065	15685	98%
IN	POSEY COUNTY	19,711	19073	97%
IN	ALLEN COUNTY	264,542	255023	96%
IN	PIKE COUNTY	9,957	9428	95%
IN	WHITE COUNTY	18,613	17561	94%
IN	DELAWARE COUNTY	94,243	88841	94%
IN	MADISON COUNTY	100,759	94969	94%
IN	PULASKI COUNTY	10,040	9460	94%
IN	OHIO COUNTY	4,821	4542	94%
IN	DUBOIS COUNTY	31,637	29772	94%
IN	FAYETTE COUNTY	18,358	17219	94%
IN	MARION COUNTY	687,395	641301	93%

Case 1:12-cv-00800-WTL-TAB Document 89-1 Filed 06/03/14 Page 3 of 4 PageID #: 1110

IN	CLAY COUNTY	20,584	19142	93%
IN	FOUNTAIN COUNTY	13,096	12174	93%
IN	LAPORTE COUNTY	86,327	80202	93%
IN	PARKE COUNTY	13,399	12434	93%
IN	VERMILLION COUNTY	12,351	11417	92%
IN	DEKALB COUNTY	31,487	29089	92%
IN	LAKE COUNTY	369,720	340520	92%
IN	RUSH COUNTY	13,026	11990	92%
IN	HENDRICKS COUNTY	110,719	101791	92%
IN	BLACKFORD COUNTY	9,714	8927	92%
IN	GIBSON COUNTY	25,562	23368	91%
IN	KNOX COUNTY	30,040	27460	91%
IN	WASHINGTON COUNTY	21,108	19290	91%
IN	MORGAN COUNTY	52,433	47710	91%
IN	GRANT COUNTY	54,632	49629	91%
IN	JOHNSON COUNTY	106,248	96306	91%
IN	JACKSON COUNTY	32,528	29424	90%
IN	PORTER COUNTY	126,912	114627	90%
IN	CARROLL COUNTY	15,312	13763	90%
IN	LAWRENCE COUNTY	35,434	31816	90%
IN	SWITZERLAND COUNTY	7,828	7020	90%
IN	WABASH COUNTY	25,177	22557	90%
IN	BENTON COUNTY	6,594	5903	90%
IN	OWEN COUNTY	16,634	14835	89%
IN	VIGO COUNTY	85,658	76269	89%
IN	HUNTINGTON COUNTY	28,591	25257	88%
IN	RANDOLPH COUNTY	19,645	17312	88%
IN	MONROE COUNTY	118,315	104161	88%
IN	JEFFERSON COUNTY	25,327	22186	88%
IN	JENNINGS COUNTY	21,008	18365	87%
IN	JASPER COUNTY	25,125	21953	87%
IN	WELLS COUNTY	20,988	18301	87%
IN	BARTHOLOMEW COUNTY	59,663	51940	87%
IN	ELKHART COUNTY	143,526	124933	87%
IN	WHITLEY COUNTY	25,373	22053	87%
IN	SULLIVAN COUNTY	16,717	14489	87%
IN	FULTON COUNTY	15,677	13538	86%
IN	WAYNE COUNTY	52,695	45072	86%
IN	KOSCIUSKO COUNTY	58,207	49349	85%
IN	MARSHALL COUNTY	34,798	29441	85%
IN	PERRY COUNTY	15,453	13074	85%
IN	NOBLE COUNTY	35,068	29631	84%
IN	CLINTON COUNTY	24,304	20403	84%
IN	DAVISS COUNTY	22,830	19045	83%
IN	MONTGOMERY COUNTY	29,264	24239	83%
IN	GREENE COUNTY	25,430	20878	82%
IN	SHELBY COUNTY	33,887	27816	82%

[illegible]





U.S. Department of Justice  
Civil Rights Division

Voting Section - NVRB  
950 Pennsylvania Ave. NW  
Washington, DC 20530

RECEIVED  
IND. SECRETARY OF STATE

DEC 16 2011

*Charles P. White*

December 7, 2011

The Honorable Charlie White  
Secretary of State  
200 W. Washington Street, Room 201  
Indianapolis, Indiana 46204

Dear Secretary White:

We write to you as the chief elections official for the State of Indiana to request information concerning your State's compliance with Section 8 of the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-6 ("NVRA").

Among the requirements imposed by Section 8 of the NVRA is an obligation that States ensure that eligible citizens who properly register to vote are timely placed on the voter rolls, and that registered voters who are no longer eligible to vote in the jurisdictions are timely removed from the voter rolls. In particular, Section 8(a)(4) of the NVRA, 42 U.S.C. § 1973gg-6(a)(4), mandates that, in the administration of voter registration for federal elections, each State must, on a uniform and nondiscriminatory basis, "conduct a general program that makes a reasonable effort to remove the names of ineligible voters from the official lists of eligible voters by reason of - (A) the death of the registrant; or (B) a change in the residence of the registrant . . . ."

As part of our nationwide efforts to assess compliance with the NVRA, we reviewed state data submitted to the U.S. Election Assistance Commission ("EAC") for the period from November 2008 through November 2010. See "The Impact of the National Voter Registration Act of 1993 on the Administration of Elections for Federal Office 2009-2010: A Report to the 112th Congress," dated June 30, 2011, and related databases available on the EAC's website ([www.eac.gov](http://www.eac.gov)). According to our analysis of the data reported to the EAC, as well as information available from the 2010 Census, active voter registrations exceed the voting age population in 10 percent or more of Indiana's counties. In addition, a large percentage of Indiana's counties did not report undertaking certain standard and expected list maintenance activities.

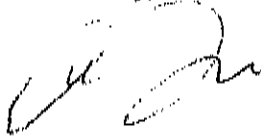
01/2

-2-

We write to you to request a copy of your State's current voter registration list in electronic format. Please include, at a minimum, voters' full names, dates of birth, addresses, dates of registration, voter history, and social security number (if available), on a compact disc in a comma-delimited file format or as a Microsoft Access database file. We are requesting this information under the statutory authority found in 42 U.S.C. §1974b. Please provide as well information on the specific measures that have been taken in your State to ensure compliance with the requirement in Section 8 of the NVRA that the State undertake a general program that makes a reasonable effort to remove ineligible voters from the registration list, including all list maintenance activities and the dates on which they occurred.

Please provide this information no later than four weeks from the date of this letter. The materials may be sent by overnight express service to Voting Section, Civil Rights Division, Room 7254 - NWB, U.S. Department of Justice, 1800 G Street N.W., Washington D.C. 20006 or by United States Postal Service to Voting Section, Civil Rights Division, U.S. Department of Justice, Room 7254 - NWB, 950 Pennsylvania Avenue N.W., Washington D.C. 20530. You can also email your response to [voting.section@usdoj.gov](mailto:voting.section@usdoj.gov). If you have any questions regarding our request, please contact Christy McCormick at (202) 305-0609 or Russ Nobile at (202) 307-1190. We very much appreciate your cooperation in our nationwide efforts to monitor the progress of NVRA compliance.

Sincerely,



T. Christian Herren, Jr.  
Chief, Voting Section

cc: The Honorable Greg Zoeller, Attorney General of Indiana

22/12

# Judicial Watch, True the Vote Historic Indiana Lawsuit Forces Statewide Clean-Up of Voter Registration Lists, Permanent Changes in Election Law Procedures

AUGUST 07, 2014

***Lawsuit ends after Secretary of State admits, "one in eight voter registrations contains inaccurate information," begins massive voter registration clean-up process***

(Washington, DC) – After two years of litigation, Judicial Watch and True the Vote announced today that on June 4, 2014, a District Court judge approved their Motion to Dismiss an election integrity lawsuit against the State of Indiana, signaling a major victory in their efforts to force the state to clean up its voter registration lists and overhaul its list-maintenance procedures.

The Judicial Watch/True the Vote motion came within days after Indiana Secretary of State Connie Lawson conceded that, "at least one in eight voter registrations contains inaccurate information." On May 21, Lawson announced via a press release that her office would send out address confirmation postcards to 4.4 million registered Hoosier voters in order to "identify outdated and inaccurate voter registration information to improve the accuracy and integrity of Indiana's voter registration list." The mailing will cost an estimated \$2.1 million and will be followed by a second mailing if necessary according to Lawson.



In their Motion to Dismiss, Judicial Watch and True the Vote applauded the state's actions saying:

Plaintiffs were pleased to learn that Defendants' most significant act of NVRA [National Voter Registration Act] Section 8 compliance in several years – the statewide address confirmation mailing to all voters – is now underway. In light of this, Plaintiffs now believe there are more productive uses of their time and Defendants' time than continuing to litigate the Count I claim over Indiana's Section 8 maintenance efforts.

In addition to the statewide clean-up of voter registration lists, Judicial Watch and True the Vote filed their historic June 2012 lawsuit, the Indiana legislature passed an election reform law incorporating a number of measures the suit had sought. The July 2013 measure included:

- A provision empowering the Indiana Secretary of State to break ties and decide matters whenever the Election Division Co-Directors "are unable to resolve a dispute between themselves regarding" the Indiana Election Division's budget, expenditures, or contracts.
- A provision specifying that county officials could remove the names of deceased persons from the voter rolls "after receiving a copy of an obituary, notice of estate administration, or other notice of death" published in a newspaper.
- A provision requiring the Indiana Department of Health to obtain out-of-state citizen death information monthly from the State and Territorial Exchange of Vital Events (STEVE) System and the Electronic Verification of Vital Events (EVVE) System, both administered by the National Association for Public Health Statistics and Information Systems (NAPHSIS).
- A provision requiring the state to obtain the Social Security Death Index (SSDI) on a monthly basis to remove voters who have died and to provide deceased registered voters to counties each month, tasks to be performed by the Secretary of State if the Co-Directors fail to do so.
- A provision requiring the state to provide counties with the names of voters who move each month so they can be removed from the rolls or updated as appropriate.

- A provision requiring the state to use the U.S. Post Office's National Change of Address (NCOA) Service to identify registered voters who have moved, and to requiring the state to enter the Interstate Voter Registration Crosscheck (IVRC) Program to identify and remove registered voters who have moved from Indiana to other states.

The action by the legislature came on the heels of a precedent-setting December 2012 decision by U.S. District Court Judge William T. Lawrence finding that Judicial Watch and True the Vote members had standing to challenge Indiana's alleged violations voter list maintenance requirements of the NVRA.

It was the first federal court decision granting citizens and non-government groups the ability to sue in federal court to enforce Section 8 of the NVRA. Robert D. Popper, Judicial Watch's senior attorney who served as deputy chief of the voting section at the Justice Department's civil rights division, said that during his tenure the George W. Bush administration in its final three years filed five lawsuits over improper maintenance of voter rolls. By comparison, Popper said, "there's been not a single lawsuit" from the Obama administration.

Eventually Judge Lawrence ruled that the lawsuit had effectively been mooted out by Indiana's election integrity reforms that came after the lawsuit's filing. This decision, coupled with the Indiana Secretary of State's voter registration list clean-up moves prompted Judicial Watch and True the Vote to dismiss their lawsuit, concluding the litigation.

"We are pleased that our lawsuit forced the State of Indiana to fix its broken system for protecting the integrity of the electoral process," said Judicial Watch President Tom Fitton. "It took a federal lawsuit to spur the state legislature to reform Indiana's electoral process and force Secretary of State Lawson to finally clean the badly outdated Indiana voter rolls. This is a major victory for Hoosier voters as well as voters nationwide. From the public interest perspective, it would have been counter-productive to continue to battle after Indiana gave us what we wanted. We will, nevertheless, remain vigilant in case Indiana officials again violate the law and put Indiana's elections at risk. And it is shameful that President Obama's politicized Justice Department won't do its job and force states to clean up voting lists. Instead, Eric Holder and his allies are fanatically focused on attacking commonsense election integrity measures such as voter ID. What a disgrace it is that

Judicial Watch and True the Vote is required to do basic law enforcement work to clean up elections that the Eric Holder's Justice Department won't do because of the administration's misguided racial politics and radical ideology. The Obama Justice Department is a clear and present danger to the integrity of our nation's elections."

According to True the Vote founder Catherine Engelbrecht, "Despite the length of time this litigation took to come to an acceptable close, Indiana voters can now rest assured that common-sense voter roll maintenance procedures are in place and working in the interests of all. True the Vote hopes this episode serves as a strong example for the power that regular citizens have in demanding their rights as voters be protected."

According to the Pew Report published in 2012: "[N]early 2 million dead people still registered to cast ballots, about 3 million eligible to vote in two or more states and millions more that are inaccurate, duplicate or out of date. The alarming figures were published this week in a report issued by the non-partisan Pew Center on States. It reveals that approximately 24 million active voter registrations in the United States are no longer valid or have significant inaccuracies. The problem, apparently, is an outdated registration system that can't properly maintain records."

Leading Judicial Watch's and True the Vote's representation in court were Judicial Watch attorneys Paul Orfanedes and Chris Fedeli, and Election Law Center attorney J. Christian Adams. David Langdon and Joshua Bolinger of Langdon Law, LLC served as local counsel.

Judicial Watch's examination of data published in 2013 capturing 2012 voter rolls and population data showed that at least 11 states plus DC had substantially out of date voter rolls, with multiple counties where the number of registered voters exceeded the total voting age population.

Sign up to get the latest from Judicial Watch all the time!

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

## **Attachment B**

1. Correspondence from the office of the Indiana Secretary of State to the Brennan Center explaining Indiana's position with respect to registrants who have moved out of the state and registered to vote in another state.
2. Overview of Indiana "Fail-Safe" voting provisions.
3. Communications from the Office of the Indiana Secretary of State explaining voter list maintenance procedures and statutory safeguards in place allowing a voter who's registration has been erroneously marked "inactive" or "cancelled" to update and re-activate their registration to active status anytime (including on Election Day) and vote a regular ballot.

SECRETARY OF STATE  
STATE OF INDIANA  
200 W. WASHINGTON STREET, INDIANAPOLIS, IN 46204  
WWW.SOS.IN.GOV

July 13, 2017

Myrna Pérez  
Deputy Director, Democracy Program  
Brennan Center for Justice at NYC School of Law  
120 Broadway, Suite 1750  
New York, NY 10271

Sascha Rand  
Quinn Emanuel Urquhart and Sullivan, LLP  
51 Madison Avenue, 22<sup>nd</sup> Floor  
New York, NY 10010

Re: Correspondence Regarding the National Voter Registration Act

Dear Ms. Pérez and Mr. Rand,

I am writing on behalf of the Office of the Indiana Secretary of State in response to your correspondence dated May 25, 2017 regarding certain provisions contained in Indiana Senate Bill 442<sup>1</sup> and the National Voter Registration Act of 1993 ("NVRA"). With respect to your concerns and inquires regarding the NVRA, please note that this response to your inquiry is *informal*, because the Indiana Secretary of State is not the state's chief election official for NVRA administration and compliance. The Indiana General Assembly has designated the (bi-partisan) Co-Directors of the Indiana Election Division as the "chief election official" responsible for coordination of state responsibilities under NVRA.<sup>2</sup> Due to Co-Director's autonomy as state NVRA officials, the Secretary of State does not have authority to acknowledge your correspondence as a sufficient, timely or actionable 52 U.S.C. § 20510(b) pre-litigation notice.

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<sup>1</sup> Ind. Public Law 74.2017. In pertinent part, IC 3-7-38.2.-5 "Submission of names to change of address service; voter information from other states" *as amended*, effective July 1, 2017.

<sup>2</sup> IC 3-7-11-1.

Following is an informal review of Indiana's participation in the Interstate Voter Registration Crosscheck ("IVRC") program, and interpretation of SB 442 and the NVRA which may serve to inform your views and allay concerns your constituencies may have.

As you are aware, under the NVRA, states are required to ensure that accurate and current voter registration rolls are maintained.<sup>3</sup> Also, expanded state collaboration in improving the accuracy of voter lists was among the key recommendations of the 2013-2014 bi-partisan Presidential Commission on Election Administration.<sup>4</sup>

Based on data from the U.S. Census Bureau and the Council of State Governments, approximately 150,000 Indiana Residents move *out of* the state and approximately 147,000 residents of other states move *into* Indiana each year.<sup>5</sup> According to Indiana demographic and voter registration statistics, in recent years about 65% of the state's population was registered to vote. Factoring the population moving out of state annually with the percentage of registered voters indicates that nearly 100,000 individuals registered to vote in Indiana moved to some other state in 2016. Among the myriad of details accompanying an interstate move, it's unlikely that notifying the appropriate Indiana County voter registration official of one's departure would be high priority. Presumably however, a number of registered voters moving from Indiana complied with ubiquitous motor vehicle registration bureau laws, and obtained new driver's licenses or state ID cards in the states they'd moved to and, on account of the NVRA, were prompted to register to vote in their new home states.

As a result of the ordinary, predictable movement of people from place to place, voter state voter rolls become oversubscribed with tens of thousands of duplicate or multiple registrations each year. Over periods of years due to the innocent, cumulative effect of natural migration patterns a state's voter rolls can become bloated by hundreds of thousands of obsolete registrations. Contrary to views of critics of IVRC such as Rolling Stone Magazine investigative journalist, Greg Palast, cited in your letter, Indiana's participation in IVRC is not motivated by obsessive concern over the potential for double voting.<sup>6</sup> Indiana's bi-partisan NVRA officials do not employ IVRC for partisan effect or as a "weapon of voter suppression". The state of Indiana and its county voter registration offices do not treat proposed IVRC matches as vote fraud suspects or the IVRC program as the basis of a criminal investigation. Such suggestions are baseless. Over the past 15 years the Office of the Indiana Secretary of State has continuously utilized HAVA funds and state appropriations to conduct multilingual voter registration, awareness and participation programs – applying over one million dollars to the effort during the 2015 and 2016 election cycles.

<sup>3</sup> 52 U.S. Code § 20501 (b)(4).

<sup>4</sup> The American Voting Experience: Report and Recommendations of the Presidential Commission on Election Administration (January, 2014) <https://bipartisanpolicy.org/the-presidential-commission-on-election-administration/>

<sup>5</sup> See: <http://www.stats.indiana.edu/topic/population.asp> and [http://www.in.gov/sos/elections/files/2016\\_General\\_Election\\_Turnout.pdf](http://www.in.gov/sos/elections/files/2016_General_Election_Turnout.pdf)

<sup>6</sup> Greg Palast, The GOP's War on Voters, ROLLING STONE, Aug. 24, 2016, <http://www.rollingstone.com/politics/features/the-gops-sleuth-war-against-voters-w435890>

By legislative directive, Indiana first participated in the annual “Kansas” IVRC program in 2015 and thereafter in 2016 and 2017. IVRC is performed by Indiana’s NVRA officials (the Co-Directors of the Indiana Election Division) who also operate Indiana’s Statewide Voter Registration System (SVRS). Evaluation of IVRC “raw data” and dissemination of select or filtered data to county voter registration offices is one of multiple functionalities of Indiana’s SVRS. Indiana’s NVRA officials develop and implement operating procedures for state voter list maintenance activities, which include the IVRC program.

### Indiana’s IVRC “Matching” Standards and Procedures

Throughout its participation in IVRC, Indiana’s NVRA officials have concurred that reliable matching of individuals among a large population of several state’s voter registrations requires precise, logical matching of *more* data than a first name, last name and date of birth. Indiana’s NVRA officials set the rules for evaluating proposed “matches” and have never permitted voter registration offices to cancel voter registrations based solely on first name, last name and date of birth matching. As applied by Indiana’s NVRA officials, IC 3-7-38.2-5 (prior to and as amended) does not operate to lower existing standards for voter registration matching. IVRC match criteria for post July 1, 2017 proposed matches were amended by state NVRA officials to be even *more* exacting and reliable.<sup>7</sup>

Indiana’s SVRS methodology for evaluating raw IVRC match data has always been a matter of public record and is designed to only identify potential registration matches that are *highly likely* to be one and the same individual - and to reject any potential match in any instance where the available data is insufficient or contains inconsistent data points.

Indiana’s SVRS evaluates IVRC “raw data” utilizing strict criteria and methodology requiring *exact* matching of *full* first name, *full* middle name or consistent middle initial, *full* last name, *full or consistent* suffix, *exact* date of birth *and* an exact match of at least one additional unit of data. In virtually all cases the available additional data is the last four digits of a Social Security Number. Only matches meeting this high standard, which *Goel and Meredith* (2017)<sup>8</sup> classify as “*likely to be a case of the same person registered in two different states*” qualify to be forwarded, on an individual basis, to county voter registration offices. County voter registration offices are directed to then determine on an individual basis, with no limitation on use of additional information or investigation, if a proposed match identifies a specific individual registered to vote in their jurisdiction who *subsequently* registered to vote in another state.

<sup>7</sup> See: <http://www.in.gov/sos/elections/2397.htm>, <http://www.in.gov/sos/elections/2398.htm> and <http://www.in.gov/sos/elections/4103.htm>.

<sup>8</sup> Goel, S., Meredith, M., Morse, M., Rothschild, D., & Shirani-Mehr, H. *One Person, One Vote: Estimating the Prevalence of Double Voting in US Presidential Elections*. <https://scholar.harvard.edu/morse/publications/one-person-one-vote-estimating-prevalence-double-voting-us-presidential-elections>

Indiana's IVRC matching criteria and procedures (before and after July 1, 2017) are significantly more rigorous than the criteria and procedures employed in any of the states cited in your letter as examples of "error prone" crosscheck programs.<sup>9</sup>

### **Basis for Cancellation of a Confirmed Duplicate Voter Registration**

In specific instances such as a voter's death, criminal conviction, mental incapacity, failure to vote, USPS notice of change address, or failure to respond to a voter registration confirmation mailing, the NVRA provides directives for voter list maintenance. Though NVRA applies specifically to a variety of situations, it does not prohibit immediate cancellation of a duplicate *previous* voter registration based upon reliable, uniform, nondiscriminatory, information received from a voter registration official who has accepted a *subsequent* registration. NVRA *requires* states to conduct a general program that makes a reasonable effort to remove the names of ineligible voters upon their written confirmation of a change of address to a location outside the registrar's jurisdiction.<sup>10</sup> The Indiana General Assembly and Indiana's NVRA officials have adopted the position that a voter registration application, signed and affirmed under the penalty of perjury constitutes a registrant's authorization to cancel previous registrations.

It's expected when a registered voter moves from one place to another and subsequently registers to vote, that the voter will report their previous address on the application and that the official taking the new registration will inform the registration authority for the former address - who will proceed to cancel the now obsolete previous registration. It's not expected that a voter registration office, upon being informed by another voter registration official, that a voter has moved and re-registered, must then contact the voter to seek permission to cancel the registration in their jurisdiction, or wait two election cycles before acting. Voter registration official-to-official voter list maintenance activity triggered by, and based on the conscious, affirmative action an individual takes to change or update their voter registration is the longstanding, accepted practice and was not overruled by the NVRA.

The NVRA protects a person's right to cast a vote, which is highly important. The NVRA does not however, entitle a person to be simultaneously registered to vote in two or more locations. Cancellation of a voter's previous, obsolete, registration as a result of the submission and acceptance of a *new registration application* is distinct from (NVRA governed) voter list maintenance based solely on a change of residence.<sup>11</sup> IVRC procedures which result in the positive identification of a specific person currently registered in one state who is, and *will remain* (subsequently) registered to vote in another, does not operate as voter disenfranchisement or suppression.

<sup>9</sup> See **Attachment A**, analysis of news accounts of IVRC program activity in FL, GA, ID, KY, NC, OH, OR, VA, WA.

<sup>10</sup> 52 U.S.C. § 20507(d)(A); See: *Federal Election Commission's Guide to Implementing the National Voter Registration Act*, p. 5-5, <https://www.fec.gov/assets/1/28/Implementing%20the%20NVRA--Report%20to%20State%20and%20Local%20Election%20Off.pdf>.

<sup>11</sup> In the *distinct* case where an individual has changed residence (only) a change of residence confirmation mailing would need to include information on how they can remain eligible to vote - by registering to vote at their new residence per 52 U.S.C. § 2507 (d)(2)(B).



The number of persons who move from one state to another and become registered to vote each time they move is significant and Indiana's NVRA officials believe that the IVRC procedures employed to confirm duplicate registration matches are compliant, very reliable, uniform and non-discriminatory. While it's possible that any voter list maintenance program might result in the erroneous cancellation of a voter's registration, fail-safe voting options in Indiana significantly mitigate the risk of disenfranchisement. The NVRA as implemented in Indiana provides that in the event a voter learn at the polls on Election Day that their registration was canceled due to registration information received from another jurisdiction, they need only provide an oral or written affirmation of their continued eligibility and residence in the jurisdiction in order to cast a regular ballot.<sup>12</sup> Indiana *does not* require a voter to cast a provisional ballot in such case.

For additional information on IVRC and all of Indiana's voter list maintenance activities, please contact the Indiana Election Division, 301 W. Washington St. Room 302, Indianapolis, IN 46204-2767, telephone: 317-232-3939, email: [elections@iec.in.gov](mailto:elections@iec.in.gov).

Truly yours,

Jerold A. Bonnet, General Counsel  
Office of the Indiana Secretary of State

cc: Indiana Election Division

Enc.

---

<sup>12</sup> IC 3-7-48-5.

## Attachment A

**Review of Articles Cited as Evidence of the Unreliability of  
Interstate Voter Registration Crosscheck Matching Data**

1. *Virginia Offers Lessons for Voter List Maintenance*, Jonathan Brater, Brennan for Justice, November 25, 2013, <https://www.brennancenter.org/analysis/virginia-offers-lessons-voter-list-maintenance> see also: *Chesterfield Registrar Delays Purge of Voter Rolls – Registrar Cites Errors on List; Democrats Want all Localities to Wait*, Jim Nolan, Richmond Times Dispatch, October 9, 2013.

Numerous problems with the process the Virginia State Board of Elections followed (circa 2013) in its first attempt to utilize IVRC data were evident. Voter list maintenance activities were not suspended 90 days before an election, a sound methodology for evaluating and confirming potential matches was not employed and presentation of data fostered confusion between previous and subsequent registrations. Indiana does not conduct voter list maintenance within 90 days of an election. Indiana's SVRS employs a multifactor confidence analysis to identify only very likely duplicate registrations which are presented to county election offices in a format requiring confirmation of potential matches on an individual basis.

2. *Florida No Longer Part of a Controversial National Voter Data Project*, Jon Greenburg and Amy Sherman, Miami Herald, April 4, 2014, <http://miami-herald.typepad.com/nakedpolitics/2014/04/florida-no-longer-part-of-controversial-national-voter-data-project.html>.

Apparently Florida election officials attempted to update its voter registration rolls "en masse" using "raw" interstate crosscheck data which included potential matches based on incomplete and inconsistent data. There is no indication that Florida undertook to develop and implement acceptable standards for evaluating preliminary IVRC data. Unlike Florida, Indiana's NVRA officials took the time and effort to develop and implement a reliable system to evaluate and screen preliminary IVRC data.

3. *The GOP's Stealth War on Voters*, Greg Palast, Rolling Stone, Aug. 24, 2016, <http://www.rollingstone.com/politics/features/the-gops-stealth-war-against-voters-w435890>.

Mr. Palast's highly selective reporting on IVRC programs suggests that election officials in participating states are obsessed with voter suppression and willfully disregard the NVRA and other applicable laws. Mr. Palast's conclusion that IVRC programs are conducted in bad faith, illegally, recklessly, with racial animus and in absolute secrecy, while fascinating and sensational, is not

supported by obvious facts and readily available data. Numerous inquiries among election officials and voter registration offices in IVRC states were made in an attempt to confirm Mr. Palast's report that states viewed IVRC matches as "suspects" and statement that "state after state told us their lists of suspects were part of a criminal investigation". No basis for his claims could be found.

Indiana's IVRC is administered transparently, by a bi-partisan team of state election officials, utilizing methodology that eliminates from consideration any potential duplicate registration match with a less than full, exactly matching data set. Indiana does not conduct voter list maintenance "just before Election Day", does not ignore inconsistent data in proposed matches, would not match 'James Willie Brown with James Arthur Brown, James Clifford Brown or James Lynn Brown. Nor would Indiana summarily match all "Garcias", Washingtons, Tans, Lees, or Nugyns.

4. *Elections Officials told Rick Scott he Was Dead and Couldn't Vote*, Lloyd Dunkelburger, Herald-Tribune, June 4, 2012, <http://politics.heraldtribune.com/2012/06/14/scott-mistakenly-declared-dead-on-voting-rolls/>.

This article cites the apparent misuse of IVRC data for the cancellation of a voter's registration less than 90 days before an election based on inconsistent and mismatched data. Also, upon learning of the erroneous cancellation on Election Day, the individual was required to cast a provisional ballot. Though it's not clear what the source of information that led to the cancelation was, to the extent that IVRC data was involved, obviously that Florida either did not screen potential matches at all, or relied on evaluation criteria that identified a match despite available inconsistent or non-matching data. As noted previously, Indiana's IVRC procedures would not accept a individuals with different middle names, inconsistent suffixes or insufficient data, as matches. Indiana does not allow voter list maintenance to be conducted less than 90 days before an election and Indiana would not require an individual, who believes they were incorrectly removed from a voter roll to cast a provisional ballot.

### Overview of "Fail-Safe" Voting Provisions

#### **A) Executing Fail-Safe Provisions at the Polls with Paper Poll Book- No Electronic Poll Book**

- 1) Voter on poll list but has moved within the precinct\*- Voter checks box "address changed" and writes new address next to old address on poll list. (IC 3-7-39-7)
- 2) Voter on poll list but voter moved less than 30 days (within last 29 days) before the election anywhere within Indiana\*\*- Voter is permitted to vote in precinct of former residence after completing a VRG 4/12. No "oral affirmation" is permitted. Poll worker also distributes a new VRG-7 and asks voter to complete application. (IC 3-10-11-6 and 10)
- 3) Voter on poll list but moved at any time in the past within same county and same congressional district\*\*- Voter is permitted to vote in precinct of former residence after signing VRG 4/12 or making an oral affirmation to the poll clerks who write affirmation in poll book and initial the writing. Poll worker also distributes a new VRG-7 and asks voter to complete application. (IC 3-10-12-4)
- 4) Certificate of Error (COE)- Issued when county has made a mistake (voter in wrong precinct, for example). A copy of the COE is filed by the clerk with other election material for the precinct when material is returned. A COE may be issued any time after the printing of the poll books. If error discovered prior to printing the poll books the county may simply correct the VR records. (IC 3-7-48-1, 2 and 3)
- 5) Registration record cancelled but voter continues to reside at address- Voter makes oral or written affirmation that the voter continues to reside at an address the VR record shows voter as cancelled. An oral affirmation must be made to the poll clerks who write affirmation in poll book and initial the writing. Poll clerks have voter sign the back of the poll list. (IC 3-7-48-5)
- 6) Voter's name not on poll list but voter has receipt from Full Service Agency (FSSA, BMV, DOH)- If VRG-6 receipt shows voter submitted application during the registration period and county has no record of rejecting the application from the voter, then voter fills out a new VRG-7 at the poll and votes a regular ballot. Poll worker adds note to back of poll list where voter signs and places application in the back of poll book (IC 3-7-48-7 and 8)
- 7) Voter on poll list but name has changed\*- Voter signs new name next to old and checks box "name changed." The name change becomes "effective immediately." (IC 3-7-41-2)

*makes an oral affirmation, the election division recommends that it be documented on a VRG 4/12 or, if the electronic poll book has the ability to do so, the election division recommends that voter records be updated with moves within the same county and same congressional district if captured on the electronic poll book by poll workers.*

- 4) Certificate of Error (COE)- Issued when the county has made a mistake. A COE need only be issued after the downloading of voter information into the electronic poll book for the election. The VR record may simply be corrected before that time. Confirmation of a COE to the polls may be made via the electronic poll book. (IC 3-7-48-1, 2 and 3; IC 3-7-29-6(c))
- 5) Registration record cancelled but voter continues to reside at address- Voter writes affirmation that voter continues to reside at the same address shown on the canceled VR record on a blank VRG 4/12. If voter makes an oral affirmation before the poll clerks, the poll clerks document the affirmation on a blank VRG 4/12 and initial it. (IC 3-7-48-5(d)[new]) *The election division recommends that it be documented on a VRG 4/12 or, if the electronic poll book has the ability to do so, the election division recommends that voter records be updated with moves within the same county and same congressional district if captured on the electronic poll book by poll workers.*
- 6) Voter's name not on poll list but voter has receipt from Full Service Agency (FSSA, BMV, DOH)- If VRG-6 receipt shows voter submitted application during the registration period and county has no record of rejecting the application from the voter, then voter fills out a new VRG-7 at the poll and votes a regular ballot. (IC 3-7-48-7 and 8)
- 7) Voter on poll list but name has changed\*- Voter writes change on a blank VRG 4/12 and the poll clerks initial it. (IC 3-7-41-2(c)[new]) *If the electronic poll book has the ability to do so, the election division recommends that voter records be updated with name changes captured on the electronic poll book by poll workers.*

\*Note: All name changes and address changes are now processed as "corrections" and not as "updates." (IC 3-7-33-5(a))

\*\* In some circumstances a voter who moves may not be able to cast a vote for all candidates in a municipal election or on all public questions in their precinct of former residence. Please contact the election division for additional guidance.

**Bonnet, Jerry (SOS)**

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**From:** Warycha, Valerie  
**Sent:** Tuesday, October 31, 2017 2:38 PM  
**To:** Warycha, Valerie  
**Subject:** Indiana Secretary of State Connie Lawson Op-Ed: Upholding voter roll laws



## **Office of the Indiana Secretary of State**

200 W. Washington St. Indianapolis, IN 46204

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**Indiana Secretary of State Connie Lawson**  
**Op-Ed: Upholding voter roll laws**  
**WORD COUNT: 1003**

Recently, my office and I have come under attack for following federal and state law regarding voter rolls. Misinformation is being spread by various groups that if your name matches the name of a voter in another state or if you fail to vote, you will be removed from the rolls. Others have said voter list maintenance targets minority and low income voters. None of this is true!

Since I became Secretary of State, I have worked to ensure Indiana has clean data when it comes to our voter rolls. The public demands clean and accurate data when it comes to financial records, health records and vital statistics. Voter lists are no different.

Each election Hoosiers take notice that our rolls need an update. We get calls from widowed spouses and parents whose child moved away from home years ago. These voters want to know why their loved one's name is still on the rolls. They not only find it upsetting to see a long gone loved one's name on the pollbook, but it also undermines their faith in our elections.

In 2016, a group issued a report that our voter rolls contained numerous inaccuracies including voters who were well over 100 years old and couldn't possibly be alive. Members of the public were concerned when they heard this. At that time, I reminded the public of our voter list maintenance efforts and assured Hoosiers we were taking corrective action. Hoosiers were relieved to know we were taking measures to improve the accuracy of the state's voter rolls.

In addition to improving voter confidence, clean voter rolls reduce election costs and provide accurate turnout results. Counties with bloated voter rolls are forced to spend more money to purchase extra equipment, secure additional locations and pay for election workers. Allowing invalid registrations to remain on the rolls distorts the reality of actual voter participation and turnout.

In 2016, the official voter turnout in Indiana was 58% of all registered voters, despite a record number of voters turning out to vote. Yet it is estimated if the voter list maintenance conducted this year had taken place before the 2016 general election, Indiana's turnout would have been about 65% - among the best in the nation.

Along with the bi-partisan members of the Indiana Election Division, bi-partisan county election boards and county clerks, I am working to ensure Indiana has clean and accurate voter rolls. We are doing this according to federal and state law, and to date, not one voter has contacted my office to say they were improperly removed.

No one has been removed because their name matches a voter in another state. We do compare Indiana's data to voter registrations in other states, but a simple match of a name or a name and date of birth is not enough for a match. Indiana has developed measures of protection against false matches. Before a county is even given a potential match, to research and consider, the record is subject to a detailed comparison that assigns points for matches in name, social security numbers and driver's license number. A first name, last name and date of birth match only equals 55 points, 20 points short of a potential match. A middle name is only 5 points, so that is still not enough.

If a record reaches the 75 point threshold, then it is provided to the county to determine if the record is a match and the registration in the other state is more recent. The county may consider all information provided and perform whatever additional investigation the county deems necessary to determine if there is a match. If the county is unable to determine that the records match, or that the registration in the other state is more recent, that is the end of the process and the record stays on the rolls.

In addition, no one has been removed because they didn't vote or due to their ethnicity or income. The state of Indiana does voter list maintain in a uniform and non-discriminatory manner following the federal rules that require voter list maintenance and the procedures spelled out in the law.

Every other year, postcards are mailed to Hoosier voters. If the postcard is returned due to inaccurate information, which indicates the voter is no longer qualified to vote at that address, a second forwardable postcard is mailed to the forwarding address. The second postcard ask the voter to update their registration information. If the voter fails to respond, the record will be marked inactive. Once a record is marked inactive, it is not removed from the rolls unless the voter misses the next two federal elections or otherwise fails to confirm their address is correct.

As I close, I want to address the uncertainty that clouds voter list maintenance across the country. In states that are attempting to comply with federal law, like Indiana, activist groups are suing to keep maintenance from being done. In states that are not participating, activist groups are suing to force the process. Performing voter list maintenance is the law according to the National Voter Registration Act.

This law was a compromise that required voter registrations to be available at government offices such as the BMV and voter list maintenance to be performed. We enforce the registration portion of the law uniformly but not the voter list maintenance piece. Last week I testified on Capitol Hill and encouraged Congress to clarify this expectation for the states and to uphold the compromise of the National Voter Registration Act. I am optimistic they will weigh in and I commend the efforts of state election officials around the country who are continuing to work hard in the face of this uncertainty.

Voter list maintenance is about updating voter information to be current and ensuring confidence in our electoral process. Our electoral process is central to our system of government. Therefore, we must take every action to protect the integrity of our elections.

Sincerely,  
Connie Lawson  
Indiana Secretary of State



# SECRETARY OF STATE STATE OF INDIANA

200 W. WASHINGTON STREET, INDIANAPOLIS, IN 46204

[WWW.SOS.IN.GOV](http://www.sos.in.gov)



Hon. Gregg Harper  
2227 Rayburn HOB  
Washington, DC 20515

October 25, 2017

Representative Harper,

Thank you for allowing me to speak to the Committee on House Administration earlier today. I greatly appreciate the opportunity to share Indiana's experience with voter list maintenance practices, and I hope the committee found my testimony informative. To that end, a question was raised about a segment of my prepared remarks, and I would like to address that at this time.

Indiana is a member of the Interstate Crosscheck program, which is a starting point and a tool used to aid in continuous voter list maintenance. The program is often misunderstood by those unfamiliar with its structure, so I will explain how the program works in Indiana.

First, the program identifies *potential* voter registration matches between Indiana and other state participants. Pursuant to bipartisan policy adopted for the program's administration, Indiana developed measures of protection against potentially false matches. Before a county is even given a potential match to research and consider, the state subjects the potential match to a detailed comparison of the records and assigns points to matching criteria in the records (last name, date of birth, driver's license number, etc.). The points must total at least 75 before it is eligible for upload into Indiana's Statewide Voter Registration System (SVRS) interstate worklist for the county to consider. If the potential match is not assigned the minimum score, the record is not populated in the county worklist.

If a potential match meets the 75 point threshold, the county voter registration official may view the match in SVRS, and the county – not the state – makes a determination of whether the record is a match and whether the registration in the other state is more recent than the Indiana registration. The county may consider all the information provided via SVRS and may perform additional investigation the county deems necessary to determine whether there is an actual match. A matching first name, last name and date of birth is not enough to reach 75 points. If the county is unable to determine the records match, or that the registration in the other state is more recent, the record is not cancelled.

Below are the point values assigned for different matching fields:

Field	Points Assigned for Match	Comment
SSN Last 4	10	
Full SSN	40	
DLN/SID	50	
DOB	25	
Last Name	15	





# SECRETARY OF STATE STATE OF INDIANA

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First Name	15	
Middle Name	5	
Suffix	5	
ZIP Code (first 5)	5	
Street Address 1	10	
Previous Last Name	15	Included in calculation for Indiana Bureau of Motor Vehicles matches only.
Previous Street Address 1	10	Included in calculation for Indiana Bureau of Motor Vehicles matches only.
Previous ZIP Code (first 5)	5	Included in calculation for Indiana Bureau of Motor Vehicles matches only.

It bears mentioning that when the decision is made to cancel a registration record, it is made at the local level and in a bipartisan fashion. All county offices have employees of both parties working on maintenance, and each county election board is comprised of a Republican, a Democrat, and the county clerk. All decisions made by a county election board must be unanimous, and a unanimous decision is, therefore, a bipartisan decision.

Finally, a question was raised about how many voters must be disenfranchised in order for an actual matching registration to be correctly removed from the voter rolls. I will simply say that it is my goal as Indiana Secretary of State to allow all eligible Indiana citizens the right to vote, which is why my office is continuously engaging in voter education, outreach, and turnout initiatives.

Of the 481,235 records removed during Indiana's voter list maintenance activities, not one voter has contacted my office to say they were improperly removed. Maintaining accurate voter rolls and enfranchising a greater number of Americans are not mutually exclusive. I am proud of the way Indiana protects each vote and conducts voter list maintenance. I am glad to have spoken with you on voter list maintenance today.

If I may be of further service to the committee, do not hesitate to reach out.

Very respectfully,

*Connie Lawson*

Connie Lawson  
Indiana Secretary of State

**Bonnet, Jerry (SOS)**

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**From:** Hauer, Ian (SOS)  
**Sent:** Wednesday, April 19, 2017 2:33 PM  
**To:** Bonnet, Jerry (SOS)  
**Subject:** FW: Indiana prepares for future elections by cleaning up its voter roll

Ian Hauer  
 Deputy Communications Director  
 Indiana Secretary of State  
 200 W. Washington St.  
 Indianapolis, IN 46204  
 (317) 234-9682

**From:** Warycha, Valerie  
**Sent:** Tuesday, April 18, 2017 11:11 AM  
**To:** Hauer, Ian (SOS) <IaHauer@sos.IN.gov>  
**Subject:** Indiana prepares for future elections by cleaning up its voter roll



## **Office of the Indiana Secretary of State**

200 W. Washington St. Indianapolis, IN 46204

### **News Release**

### **FOR IMMEDIATE RELEASE**

#### **Indiana prepares for future elections by cleaning up its voter roll**

*After a complicated 4 year process required by federal law, Indiana can finally remove outdated voter registration information*

INDIANAPOLIS (April 18, 2017) — In 2014, Indiana began its latest effort to keep the voter registration lists accurate. While removing inaccurate voter list information is required by federal law, this work was formerly done almost entirely at the county level and not all county voter registration offices had the funding to do this work on a regular basis. To ensure that voter list maintenance work was done uniformly throughout Indiana by all counties, Indiana Secretary of State Connie Lawson asked the General Assembly to fund a comprehensive statewide voter list maintenance program. Under this program, current voter registration records are checked to confirm that voters still live at the address indicated on their record. Voters are also given the opportunity to update outdated or incorrect information on their registration records.

Thanks to the funding provided by the General Assembly, the nonforwardable postcards were sent to voters throughout Indiana in 2014. The postcards from this mailing that were returned to the Indiana Election Division with an "unknown or insufficient address" were used to identify voter registration records which could have outdated or inaccurate information. A second forwardable postcard was then sent to each of the voters whose first postcard was returned. The second postcard asked these voters to take action by updating their registration information. Hoosiers who did not update outdated voter registration information had their record at this address marked as "inactive". As a result, if these "inactive" records were not updated or if the voter did not vote from that address at any election held in 2014, 2015, or 2016, that registration record was canceled after the November 2016 general election.

Under federal or state law, no voter registration record is "inactivated" or canceled simply because a voter does not vote from that address for a certain number of years. Once an individual is registered, the voter's name stays on the list at that address indefinitely even if the voter never casts a ballot. The voter's name is only removed when counties receive information that the voter is deceased or otherwise disqualified, the voter requests that the registration be cancelled or if the voter's address is identified as incorrect through the voter list maintenance process. If a voter is registered at the address where the voter now lives, the voter list maintenance process has no effect on the ability of that voter to cast a ballot.

"When I became Secretary of State, I discovered voter list maintenance was not being done statewide and many outdated voter registrations were still on the rolls," said Secretary Lawson. "I made it a priority to ensure our state's list was accurate and that we followed the federal law. While this federal law requires a slow process that has taken over 4 years, our state is finally in the rhythm of doing regular voter list maintenance and Hoosiers are starting to see the results. Updating these records will help us create a more accurate picture of voter turnout for the state, which has been reported as inaccurately low due to the large number of outdated registrations, while protecting the integrity of our elections."

To date, 481,235 voter registrations have been canceled through this process statewide. This number represents the voter registration records that were identified by the 2014 voter list maintenance process as inactive. The voter list maintenance process continues, both at the state and county levels. Another comprehensive address confirmation mailing was sent to voters throughout Indiana in 2016 to identify potentially inaccurate records for removal after the 2018 general election. County voter registration officials continue to do voter list maintenance work every day by updating voter registration information of voters who have moved, died or had a name change.

We can all be proud of the work which these county clerks and other voter registration officials do quietly every day to improve the election administration process.

Hoosiers who wish to register, update or verify their voter registration information can do so online at [www.indianavoters.com](http://www.indianavoters.com).

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Media Contacts - Valerie Warycha 317-233-8655 or [vwarycha@sos.in.gov](mailto:vwarycha@sos.in.gov)

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

## **Attachment C**

1. Media report “ Indiana voter group registered a felon, non-U.S. citizen and a dead person, police say” Indianapolis Star 6/9/2016.
2. Media report “Thousands of voter registration forms faked, officials say” CNN 10/10/2008.

<https://www.indystar.com/story/news/politics/2017/06/09/voter-registration-group-charged-falsifying-registrations/384244001/>

## Indiana voter group registered a felon, non-U.S. citizen and a dead person, police say

Tony Cook, Statehouse Bureau Published 12:36 p.m. ET June 9, 2017 | Updated 9:41 a.m. ET June 12, 2017

A felon, a minor, a non-U.S. citizen and even a dead person were among those police say an Indiana voter registration group signed up in the months leading up to the 2016 presidential election.

The group's canvassers also made up or forged information on scores of voter registrations, sometimes paying vagrants with cigarettes or pocket change to fill out the forms, police say.

Now, the group and many of its employees are facing felony charges, Marion County Prosecutor Terry Curry announced Friday.

The Indiana Voter Registration Project and 12 of its workers — including a manager — are accused of submitting falsified applications in Marion and St. Joseph counties.

The charges come after a 10-month state police investigation that included a raid of the group's nondescript, largely unfurnished offices on Meridian Street near Fall Creek.

The group submitted registrations for people who didn't exist or who later told detectives they never filled them out, according to 167 pages of charging documents and probable cause affidavits. Among those people were a felon, a non-U.S. citizen, a minor and a woman who lived in Florida.

In at least one case, detectives discovered a registration for a St. Joseph County man who had been dead for six years, the affidavit says. Two other deceased individuals also were discovered among the registrations the group submitted.

Canvassers told detectives they were pressured to collect 10 applications per shift or risk losing their jobs, according to the affidavit. Supervisors advised the canvassers, who were paid \$50 to \$75 a day, to meet their quotas "by any means necessary," the affidavit says.

One canvasser told police she and a fellow employee would have a "bum" fill out voter registration forms during each of their shifts. The bum's reward was a cigarette, she said according to the affidavit.

Another canvasser admitted he went to the public library and looked up information in a phone book to complete his forms.

Curry, a Democrat, emphasized in a statement announcing the charges that officials were not aware of any evidence that fraudulent ballots were cast in the 2016 election.

"We do not believe this was a widespread effort to infringe voters, intentionally register ineligible individuals, or to impact the election," he said. "Instead we allege that a bad business practice led to illegal actions by the local association and these twelve individuals."

Still, the group's activities caused problems for some voters whose information was used without their permission, according to the affidavit. Police had to advise individuals to check their registration status to make sure they weren't disenfranchised and one man told detectives he experienced trouble voting because his name was listed four times in the county's voter rolls.

State police began investigating the Indiana Voter Registration Project in August after county election officials noticed irregularities on some of the thousands of registrations submitted by the group.

Detectives later served a search warrant on the group's Indianapolis office and confiscated computers. Detectives also found that the group's purported office location in Gary was actually a vacant lot, according to a police affidavit.

IndyStar reported last year that the group has ties to Patriot Majority USA, a so-called "dark money" group that is not required to disclose its donors.

The group's leader, Craig Varoga, has worked on former President Bill Clinton's campaign and led independent expenditure efforts to help re-elect then-Senate Majority Leader Harry Reid.

Varoga and two women who served as spokeswomen for the group in the past did not immediately respond Friday to messages from IndyStar.

In the affidavit released Friday, police said the voter project's payroll information traced back to Block By Block, Inc., a Washington, D.C. group closely associated with Field Strategies and the Ardleigh Group.

Field Strategies, a company that provides voter turnout services, has worked with labor unions and campaign committees that work to elect Democrats to the U.S. House and Senate, according to its website.

The company declined to comment.

The Indiana Voter Registration Project faces two felony charges, one for procuring or submitting false, fictitious or fraudulent voter registration applications and another for counterfeiting. If convicted, the court could fine the group \$10,000.

Holiday Burke, 25, who is described as the group's verification director, faces the same charges.

Eleven other employees are charged with procuring or submitting false, fictitious or fraudulent voter registration applications and perjury. They are:

- Glynn Parish, 52
- Dallila Alexander, 37
- Makayla Colbert, 19
- Valerie Franklin, 47
- Kylee Garrett, 36
- Tiara Kurtz, 25
- Claude Nash, 37
- Tina Pace, 43
- Tonya Trotter, 38
- Kiziah Tyler, 20
- Jasmin L. Young, 32

If convicted, they face a penalty of six months to 2½ years behind bars and a \$10,000 fine.

<http://www.cnn.com/2008/POLITICS/10/09/acorn.fraud.claims/index.html>

## Thousands of voter registration forms faked, officials say

updated 2:17 a.m. EDT, Fri October 10, 2008  
From Drew Griffin and Kathleen Johnston  
CNN Special Investigations Unit

- **STORY HIGHLIGHTS**
- Liberal activist group filed 2,000 fraudulent voter forms, Indiana officials say
- They included names of the dead and Jimmy Johns, a restaurant
- Elections Board in northern Indiana has stopped processing 5,000 forms

**CROWN POINT, Indiana (CNN)** -- More than 2,000 voter registration forms filed in northern Indiana's Lake County by a liberal activist group this week have turned out to be bogus, election officials said Thursday.

The group -- the Association of Community Organizations for Reform Now, or ACORN -- already faces allegations of filing fraudulent voter registrations in Nevada and faces investigations in other states.

And in Lake County, home to the long-depressed steel town of Gary, the bipartisan Elections Board has stopped processing a stack of about 5,000 applications delivered just before the October 6 registration deadline after the first 2,100 turned out to be phony.

"All the signatures looked exactly the same," Ruthann Hoagland, a Republican on the board. "Everything on the card filled out looks exactly the same."

The forms included registrations submitted in the names of the dead -- and in one case, the name of a fast-food restaurant, Jimmy Johns. Sally LaSota, a Democrat on the board, called the forms fraudulent and said whoever filed them broke the law.

"ACORN, with its intent, perhaps was good in the beginning, but went awry somewhere," LaSota said.

Over the past four years, a dozen states have investigated complaints of fraudulent registrations filed by ACORN. On Tuesday, Nevada authorities raided an ACORN office in Las Vegas, Nevada, where workers are accused of registering members of the Dallas Cowboys football team. And the group has become the target of Republican attacks on voter fraud, a perennial GOP issue.

A subsidiary of the group was paid \$800,000 by Democratic presidential candidate Barack Obama's campaign to register voters for the 2008 primaries, and ACORN's political wing endorsed Obama back in February. But Obama's campaign told CNN that it "is committed to protecting the integrity of the voting process," and said it has not worked with ACORN during the general election.

Brian Mellor, an ACORN attorney in Boston, said the group has its own quality-control process and has fired workers in the past -- including workers in Gary. But he said allegations that his organization committed fraud is a government attempt to keep people disenfranchised.



We believe their purpose is to attack ACORN and suppress votes," Mellor said. "We believe that by attacking ACORN, they are going to discourage people that have registered to vote with ACORN from voting."

CNN was unable to reach ACORN officials in Gary and in Milwaukee, Wisconsin, where the group's Indiana operation is based. Offices in both cities were empty when reporters visited.

Lake County elections officials have set aside all 5,000 of the ACORN-submitted applications in what Hoagland called the "fake pile" for later review. But she said every one will be reviewed before the election to make sure no legitimate voters are skipped.

There has been no evidence of voter fraud yet, because voters have yet to go to the polls. But elections officials say they will be sending their information to prosecutors, who will determine whether any investigation will begin.

"We have no idea what the motive behind it is," she said. "It's just overwhelming to us."

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

## **Attachment D**

1. Media report “Marion County Election Board to expand early voting, switch to vote centers in 2019” Indiana Business Journal 1/24/2018.
2. Media report “ Marion County Election Board look to expand voting options in 2019” WISH-TV 1/25/2018.
3. Office of the Indiana Secretary of State staff notes on media reports that early voting in Marion County in 2016 impeded voting or had a discriminatory impact compared to other Indiana counties 8/5/2017.
4. Media report “ Aging voting machines in Marion County creating concerns” Fox-59 12/24/2013.
5. Media report “5 Marion County precincts didn’t open for Primary” The Indy Channel 5/8/2007.
6. Media report “Marion Co. struggles with Election Day problems” WTHR 5/8/2007.



<https://www.ibj.com/articles/67212-marion-county-to-expand-early-voting-switch-to-vote-centers-in-2019>

## Marion County to expand early voting, switch to vote centers in 2019

Hayleigh Colombo January 24, 2018

Voters in Marion County will have more options starting with the 2019 elections due to long-debated changes approved Wednesday that expand early voting and create vote centers in the county.

The Marion County Election Board unanimously approved a bipartisan proposal that would convert the county's traditional polling places to vote centers starting with the 2019 primary election. That way, Marion County registered voters can use any of 300 vote centers, rather than only a designated polling place.

The county currently has about 300 polling sites, with some serving more than one precinct. A great majority of them will remain as vote centers.

The proposal also expands the use of early voting in the county, taking effect in 2019. It also creates electronic pollbooks to be used county-wide.

It creates an Election Administration Planning Committee, which will develop a plan to designate several of the vote centers as early satellite voting sites.

Democratic Marion County Clerk Myla Eldridge said the resolution was "one of the most monumental bipartisan agreements achieved in the history of Marion County" and that it will "revolutionize how we vote."

"No longer will a voter have to vote using a provisional ballot because he or she showed up to the wrong polling place on Election Day," Eldridge said. "No longer will a voter have to struggle to find a parking spot in downtown Indianapolis during early voting because the only place to vote was in my office inside the City-County Building. Those days will soon be over. Passing this resolution is an enormous win for our voters, and a win for Marion County."

The Republican member of the board, Melissa Thompson, said in a statement that she was "excited about the prospect of moving Marion County forward in how we administer elections and the role that technology can play in that process."

Thompson had previously proposed switching to vote centers, which Democrats had first been against because they were worried that the number of sites would be reduced.

"This conversation is long overdue and I am glad that both parties have come together in a bipartisan way to increase security, innovation and greater access to voting," Thompson said.

The changes comes after a previous impasse over early voting in Marion County between the two major political parties.

In May 2017, Common Cause and the NAACP filed a federal lawsuit alleging that Marion County's single location for early voting provided unequal access for voters and that it was discriminatory and caused voter suppression.

Not everyone was cheering the agreement. Julia Vaughn, executive director of Common Cause Indiana, said "I think it's an interesting proposal but I really wish they would have included the public as they were making this decision."

"It's a really big change," Vaughn said. "I'm confused about the motivation. In every other county that has made the switch to vote centers, it has reduced the number of polling places. I'm real worried that while we say we're going to keep the same number today, when it comes to 2019 and this is actually implemented, that will change."

Vaughn said she "hopes voters will ask some hard questions and ensure that voting access is actually improved instead of the process being made less accessible."

<http://wishtv.com/2018/01/25/marion-county-election-board-looks-to-expand-voting-options-in-2019/>

## Marion County Election Board looks to expand voting options in 2019

By **Eric Feldman** | [Published: January 25, 2018](#) | [1 min](#)

INDIANAPOLIS (WISH) — In 2019, Marion County voters could have a major change in how they vote in elections. The county election board took the first steps to expanding the places you can vote.

There are nearly 300 sites for you to vote right now, and you go wherever you are assigned based on your precinct.

But with vote centers you'd be able to go to any of the 300 sites.

The Marion County Election Board approved the formation of a committee to work out the framework to make this change possible for the 2019 election.

Marion County leaders said a change to vote centers could make your voting process easier.

"Wednesday's vote provides an opportunity to expand how we do voting here in Marion County," said Russell Hollis, the deputy director of the Marion County Clerk's office.

The steps taken by the election board would allow you to vote at any of the 300 polling sites around the county, instead of the one assigned to you. Supporters say a hope to shorten lines and make voting more convenient.

"It's definitely a move in the right direction," said Katherine Macy, with the organization Vote Easy Indy.

One criticism of vote centers is that typically the number of places for you to vote drops. So, you can go anywhere but it may end up being farther from where you live.

But in 2019, the election board said it will not reduce the polling sites.

"The advantage of keeping every polling location the same as the vote centers is to increase the access to voting for our Marion County residents as well as to avoid voter confusion," said Hollis.

There's also a plan to expand early voting. Right now you can only go to the City-County Building, which some say poses a problem.

"It's very hard with that one location, because it's located in downtown Indianapolis without a lot of parking," said Macy.

In 2019, the plan is for at least six early voting sites open for the general election.

“There’s so many reasons why someone will need early voting from work requirements where they work twelve hour shifts to people like my mother who is 69 years old and would have a hard time standing in line,” said Macy.

The election board will need to vote again at some point to officially make these changes for 2019. There will be open meetings and discussion before a vote is taken.

*Earlier Wednesday, Indiana Secretary of State Connie Lawson sent 24-Hour News 8 the following statement about the vote:*

*I’ve heard from voters all over the state that they love the convenience of voting at any location in the county and the additional early voting opportunities. I believe the voters of Marion County will appreciate this flexibility too.*

In addition, vote centers save taxpayers money. They reduce the cost of purchasing voting equipment and voting locations. I applaud the work of Marion County leadership for developing a vote center plan that will serve the county well. It takes lots of compromise and hard work to develop an innovative plan that provides convenience to voters and potential costs savings to the county.”

But proponents for early voting say while a step in the right direction, questions do remain.

“My big question at this point is what are we going to do for 2018,” asked Macy.

On the topic of 2018, former Marion County Clerk Beth White said implementing vote centers would be impossible for the midterm election because of all the new training needed.

But early voting, she says, would be entirely possible.

Vote Easy Indy hosted an event about early voting hosted at the Universalist Church in Indianapolis. Two of the three Marion County Election Board members spoke.

For a change to take effect a vote must be unanimous, and in the past the sole Republican on the board has voted no.

And many in the crowd of about 75 wanted to know why the board’s current Republican wouldn’t vote for an expansion.

“We have to weigh and balance opinions across our entire party and there are some people who are very adamant about early voting and there are people who are not,” said Melissa Thompson, the Republican on the Marion County Election Board.

Proponents of early voting point out it has increased in some of the Republican-controlled counties surrounding Marion County and question why it hasn’t happened here.

Thompson did say compromising is key, and that’s why the board could move forward with early voting in 2019 and adding voting centers.

8/15/2017

Office of the Indiana Secretary of State

Staff notes on the 8/13/17 Indianapolis Star article on Marion County early voting.

***“Republicans Limiting Early Voting in Marion County, Letting it Bloom in Suburbs*** by Fatima Hussein”

### **The thrust of the story**

In the 2016 General Election, Marion County (“MC”) (represented as predominately Democrat and African-American) had just one site for early in-person absentee voting. Absentee voting in Marion County is compared to Hamilton County (“HC”) (represented as a “Republican stronghold”) which had three sites for early in-person absentee voting.<sup>1</sup> In the 2016 General Election 18.5% of MC voters voted absentee while 34% of H.C. voters voted absentee.<sup>2</sup>

The article’s primary thesis is: a) the lower percentage of absentee voters in MC was the result of the lack of early voting location options; b) there’s a significant number of MC voters who are unable to vote on Election Day (or absentee by mail) and therefore early in-person absentee voting is their only option (in other words there are a significant number of voters in MC who’s only voting option is early in-person absentee voting – if that option is too inconvenient they won’t – or effectively can’t, vote at all and; c) therefore MC’s operation of just one early in-person absentee voting location effectively suppresses even disenfranchises voters – most of which are African Americans and would vote for Democrat candidates.

The secondary thesis of the article (what the IndyStar identifies as it’s “investigation”) is speculative, startling and inflammatory: state and local Republican Party operatives, through control of the legislative process and by local action, exercise nefarious control over the number of sites for early voting available in any given county, and does so a manner calculated to depress the African- American and Democrat vote, thus enhancing the Republican Party vote.

The author contends that state law requiring unanimous consent of the members of a county election board on plans for additional early voting sites and locations – is the keystone of an illegal conspiracy to deprive minority and Democrat voters of their franchise. The particular actions cited are the votes of Republican Marion County Election Board members in 2010, 2012, 2014 and 2016 elections against plans for additional early voting sites.

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<sup>1</sup> Marion County provided early in-person absentee voting at two auxiliary count clerks offices “satellite sites” in only one general election (November, 2008). The laws pertaining to early in-person absentee voting at satellite county clerk’s offices and vote center county voting centers has been in constant flux before 2008 and since. In the 2017 General Assembly Session over 30 bills concerning voting were introduced.

<sup>2</sup> The author avoids consideration of the issue that absentee voting consists of mailed ballots, traveling board ballots, military and overseas ballots and early in-person ballots. The effect the number of sites has on early in-person absentee voting and overall voter turnout out ***cannot be accurately assessed*** without data on the breakdown the types of absentee ballots. According to the Indiana Election Division counties are not required to report the breakdown of absentee ballot types to the state. The extent to which counties have this data, or that it could be constructed from election records is not known.



The author assumes, without much analysis, that there is a positive correlation between the rate of absentee voting and overall voter turnout (i.e. higher absentee voting = higher overall turnout and lower absentee voting = lower overall turnout). Based on that *assumption*, the author further argues that the rate of absentee voting has a direct and positive correlation to the number of sites for early in-person absentee voting. Based on combining the assumptions, the author concludes that overall voter turnout is directly and positively correlated to the number of early voting sites.

Though county level voter turnout data for each bi-annual election from 1990 through 2016 is available on the Indiana Election Division's website, the author based her conclusions on data from only two elections (2008 and 2016). Analysis of a broader sampling of election turnout data calls the author's conclusions about the relationship between early voting centers and voter turnout into question.

Available voter turnout data (based on the number of registered voters) does not support the assumption that a higher percentage of voters in counties with more than one site for early voting will turn out and vote compared to counties with just one site for early voting. It has been established that the number of voter registrations on a county's list is not equal to the number of individuals eligible to vote in an election. Due to registration enhancing "motor-voter" laws, restrictions on removing duplicate or obsolete voter registrations and local variations in voter list maintenance, the numbers of voter registrations in a county (which is used to calculate "voter turnout") is inflated. For example, in 1997 the number of "registered voters" in Hamilton County exceed the U.S. Census Department's estimate of the voting eligible population. Evidence of significantly inflated voter registration lists has been the subject of litigation and settlements involving voter list maintenance in Indiana.

The article speculates that the availability of multiple early voting sites result in higher percentages of voter turnout, and that the availability of just one early voting site suppresses voter turnout. Because the number of voter registrations on the day of an election is used to calculate voter turnout, the degree to which a county's voter list is inflated is an important factor if voter turnout in one county is to be compared to turnout in another county.

Between 1992 and 2016<sup>i</sup> the population of Hamilton County increased by 260%. One would expect the number of voter registrations to track population. However, during that period the number of voter registrations increased by 315%. Between 1992 and 2016 the population of Marion County increased by 18%. During that period the number of voter registrations in the county increased by 50%. This suggests that the voter registration lists in both counties are significantly inflated and that the ratio of voter registrations to actual voters is higher in Marion County than in Hamilton County. The rate of voter turnout in a county over a series of elections is a more meaningful factor for comparing voter participation between counties. Averaging voter turnout in Hamilton and Marion Counties in the past seven Presidential Elections (excluding the highest and lowest figures (atypical elections) – which were the same in both counties (1992 – Clinton v. Bush and 2000 Bush v. Gore) indicates that over several elections, notwithstanding changes in election laws and other factors, voter turnout as a percentage of registered voters tends to be quite consistent in both counties. Over five "typical" presidential elections, voter turnout in Marion County consistently fell within a range of 53% to 59% with the average

turnout being 55% of registered voters. Over the same five elections voter turnout in Hamilton County fell within a range of 69% to 75% with the average turnout being 71% of registered voters. Within the ranges, higher and lower voter turnout in both counties are consistent in 4 elections and mismatched by just 1 % in one election.<sup>3</sup> In both counties, in the same 5 elections, the variation in the ratio of in-person to absentee votes correlated with respect to being higher or lower than average but, varied to a much higher degree. This indicates that for Hamilton and Marion Counties while the number of people casting absentee votes varied between elections, sometimes by a significant margin, there was almost no variation in the average total vote turnout.

This analysis supports the argument that the two additional early voting sites in Hamilton county in the 2016 General Election *did not* accompany an increase in overall (expected) voter turnout (based on an average of 5 recent elections) similarly the data shows that the availability of just a single early voting site in Marion County in 2016 *did not* serve to depress the expected overall voter turnout (based on the same 5 election average). In the 2016 General Election the overall turnout both Marion County and Hamilton County was 2% less than the average voter turnout over the 5 elections looked at.

A reasonable conclusion is that while people may or may not, participate in early voting when and where it is available, the availability or non-availability of early voting site options neither enhanced or deterred voting on Election Day.

The article does not consider other, independent factors likely to affect absentee and overall voter turnout.

### **Statutory county election board dynamics**

The statutory requirement that county election boards must unanimously approve certain decisions (such as additional early voting locations) cuts both ways. In 2010-2016 the Republican Marion County election board member indeed blocked a proposal for additional satellite early voting sites. In the years that Hamilton County has had satellite early voting sites, the proposals for the number of sites and locations could have been blocked by the Democrat election board member. If the author's theory (and generalization) that African-Americans predominately face barriers to voting absentee or on Election Day and that African-Americans predominately vote Democratic is correct, then by logic, state and local Republican operatives, accused of being "laser focused on suppressing African-American and Democrat votes" would exercise the right to block additional early voting sites in every county.

### **Additional early voting site location selection dynamics**

As was experienced in Lake County in the previous decade, when a single political party has authority to approve any number of additional early voting sites and their locations, the decisions

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<sup>3</sup> In the 2012 General Election voter turnout was 1% higher than the average voter turnout in the 5 Presidential elections that were compared (2016, 2012, 2008, 2004 and 1996). Note: in 2008, the single election in which Marion County had 3 early voting sites, overall turnout matched, but did not exceed the average voter turnout over the 5 elections compared.

made tend to favor the party making the decisions and disadvantage the “minority” party. The result of uniform statutory requirement that county election boards be in unanimous agreement on early voting sites and locations is that both political parties agree on plans for additional early voting sites and their locations. In the case of any county that provides early voting sites in addition to the clerk’s office, or counties that utilize vote centers, both political parties had to approve of those plans.

#### **Days and hours the County Clerk’s office and other early voting sites are open if available**

The article compares absentee voting statistics for the 2008 and 2016 General Election in Hamilton County, which had 3 early voting sites and Marion County which had one early voting site, and claims that the higher percentage of early voters in Hamilton County is attributable to the convenience of 2 additional voting sites.

During the statutory period for early in-person absentee voting prior to the 2016 General Election, early voting at the Marion County clerk’s office was available for 27 consecutive days (7 days a week) open for voting a total of 247 hours.

The Hamilton County clerk’s office was open only 22 days (19 weekdays + 3 Saturdays, no Sundays) for a total of 190 hours.

One of the additional early voting sites in Hamilton County was open 55 hours spread over 9 weekdays and 3 Saturdays – no Sundays). The other Hamilton County early voting site was open 50 hours spread over 8 weekdays and 3 Saturdays, no Sundays).

In Marion County there were 21 days in which a person could vote as early as 8 am and 7 days a voter could vote as late as 8 pm.

In Hamilton County (among all three sites) there were 18 days in which a person could vote as early as 8 am. The latest time for early voting in Hamilton county was 7 pm – which was available on just 6 days. 7 pm voting was not available at every early voting site on each of the 6 days, for example the Hamilton County clerk’s office which normally closed at 4:30 pm, was open till 7 pm on three Wednesdays and one Thursday. Voting was available at the clerk’s office on 3 Saturdays between 9 am and 4 pm and at the two other locations between 10 am and 3 pm.

#### **Availability of public transportation**

Marion County has an extensive, inexpensive, city-county wide public transportation system which operates 7 days a week. Public transportation is not available in Boon, Hamilton, Hendrix and Johnson Counties.

Number of poll workers, voter check-in and poll book system and number of voting machines available for use – i.e. wait times.

No significant waiting to vote was reported in Marion County. In Hamilton County wait times at the clerk’s office were reported to range from 30 minutes to + 2 hours. Wait times at the 2 additional voting locations were reported to average 2 hours and at times exceed 3 hours.

### **Options, convenience and efficiency for voting on Election Day**

On the day of the 2016 General Election Marion County had over 294 voting sites distributed over the county's 402 square miles. On the same day in Hamilton County there were 130 voting locations distributed over the county's 403 square miles. On averages Marion County had one voting site for every 1.37 square miles. Hamilton County has one voting site for every 3.1 square miles. The significantly larger number of Election Day voting locations in Marion County (and availability of public transportation) suggests that it is more convenient to vote in Marion County on Election Day than in Hamilton County, and thus fewer voters in Marion County would need to rely on early in-person absentee voting than in Hamilton County.

### **Numerous factors can impact absentee voting and overall turnout:**

1. The number and locations of sites for voting on Election Day.
2. Effects of population growth and local demographics.
3. Availability of public transportation and individual transportation and schedule issues.
4. Greater or lesser availability of parking.
5. Typical wait times (i.e.: the number of poll workers and voting machines available for early in-person absentee voting and voting on Election Day.
6. Local finances and investment in voting system infrastructure.
7. Claims of foreign tampering, fake news and a "rigged" system.
8. Electronic poll book system use.
9. Vote center election systems.
10. Presidential versus mid-term elections.
11. Impact of state and national "marquee races" and local races of high interest.
12. Election board disputes based on the location of early voting locations rather the principle of whether or not a county will have more than one site for early voting.
13. Perceived importance of the "civic experience" of voting with neighbors at the same time at a local school, church or other polling place.\
14. Inflated voter registration lists, resulting from voters moving at high rates and level of voter list maintenance artificially lower voter turnout statistics.

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<sup>1</sup> The 1992 – 2016 range was selected based on ready availability of voter registration and turnout data.



<http://fox59.com/2013/12/24/aging-voting-machines-in-marion-county-creating-concerns/>

## Aging voting machines in Marion County creating concerns

Posted 4:48 PM, December 24, 2013, by [annkeilfox59](#), Updated at 04:52PM, December 24, 2013

Concerns are being raised about the age of the voting equipment used in Marion County that dates back to 2000. The Marion County Clerk, who is responsible for elections, has said the equipment is failing, but she has also been accused of delaying a decision to purchase replacement equipment.

"It does not make any sense to continue to buy batteries that are not made anymore for a piece of equipment that doesn't work very well anyways," said Marion County Clerk Beth White.

White said the voting equipment takes an hour to boot up, often breaks, and is no user-friendly.

Last year, her office spent \$123,000 on hardware costs, and that expense is just part of the 2012 \$850,000 service and maintenance contract.

"I understand the parties are nervous about the timing. I get that," said White.

"I'm not sure about Beth White. She has spent most of her public comment time trying to delay any type of solution or longer term solution so hopefully cooler heads can prevail," said Kyle Walker, Marion County Republican Party Chairman.

Walker said he was interested in the purchase of new voting equipment that could be used in 2014, but there has only been public conversation and a study completed on the investment that began in January.

White believes a replacement of the fleet would cost more than \$11.5 million, which is what was spent last time.

One consideration that could lighten the burden on the county is an equipment lease or a loan.

Marion County has 600 precincts and includes 645,000 registered voters.

"What we have is an aging fleet of voting machines, so anything they do in the short-term, short of buying new machines, is going to be a sort of stop-gap," said Walker.

It is unclear if White, who is running for higher office, will hand over the purchasing responsibility to her successor. She claims while some voting machines may not turn on and others may have malfunctioning ballot readers, she promised an accurate 2014 election cycle.

"If we even have a 10 percent failure rate on election morning, or 5 percent, that is significant. That is a dramatic administrative challenge for us, and these are the things we're approaching," said White.

The Marion County Election Board is expected to ask for bids from the handful of companies that supply voting machines at the end of January. The decision has been delayed already.

Mayor Greg Ballard and the Indianapolis City County Council will be responsible for budgeting the purchase or lease once the election board has decided on a bid winner.

<https://www.theindychannel.com/news/politics/5-marion-county-precincts-didn-t-open-for-primary>

## 5 Marion County Precincts Didn't Open For Primary

### Other Polling Places Start Late; Many Workers Fail To Show

About 150 workers failed to be at Marion County polling places for at least part of Tuesday's primary election, delaying voting at some sites for hours and preventing any voting at five precincts.

About the same number of inspectors also failed to collect election materials -- including ballots and other supplies -- on the night before, said Marion County Clerk Beth White, who was overseeing her first election.

White said she believed fewer than 100 of the county's 917 precincts failed to open as scheduled at 6 a.m. Tuesday. Many of the delayed precincts opened late -- after noon in a few cases -- but five precincts never opened when voting ended at 6 p.m.

White said the county's election board did not ask a court to extend voting hours because, in part, the county's voting machines weren't programmed to operate past 6 p.m.

She said accepted blame for many of the delays, which primarily were in southern Marion County.

"One voter who has not been able to vote is one too many," White said. "I know that, and I take responsibility for that. No one is more frustrated about that than I am."

In the last few elections, Democrats bitterly criticized the previous county clerk, Republican Doris Anne Sadler, when polls didn't open or machines didn't work properly.

With White, a Democrat, at the helm, many of the same problems are evident. In some cases, keys used to unlock voting machines were not delivered.

Republicans called for an investigation.

Marion County Clerk Beth White

"This is a travesty. We absolutely should have an investigation into Beth White -- (Indianapolis Mayor) Bart Peterson's handpicked person, who is now the county clerk -- (and) her absolute lack of leadership and failure to plan," said Tom John, chairman of the Marion County Republican Party.

Precinct workers and voters were frustrated by Tuesday's problems.



"We have precincts that didn't open on time. Poll workers were never assigned locations," said Jennifer Ping, vice-chair of the Marion County GOP. "Voters were disenfranchised by not being able to vote at 6 o'clock. I view that as gross incompetence on our new clerk's part."

Peterson, a Democrat, said November's election would be better.

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<https://www.wthr.com/article/marion-co-struggles-election-day-problems>

## Marion Co. struggles with Election Day problems

PUBLISHED: MAY 8 THU 2007 - 5:54PM (EDT) UPDATED: MAY 27 THU 2007 - 4:54PM (EDT)

Tuesday's primary saw some upsets, although the big story was in Marion County, where some poll workers' failure to turn up led to problems at numerous polling places.

### **Four incumbent mayors out**

Four incumbents were ousted Tuesday. In Martinsville, Phil Deckard beat out incumbent Mayor Shannon Buskirk with 57 percent of the vote in the Republican primary. In New Castle, former mayor Sherman Boles beat out incumbent Tom Nipp with 54 percent of the vote in the Democratic primary.

Carmel Mayor Jim Brainard looks like he will hold on to his seat, fending off a challenge from John Koven in the Republican primary. In Crawfordsville, Charlie Coons beat out incumbent John Zumer. In Kokomo, Rick Hamilton beat out Mayor Matt McKillip with 57 percent of the vote in the Republican primary.

### **Marion County voting woes**

Voters in Marion County, meantime, suffered through some of the worst Election Day problems in years.

According to election officials, 135 precincts opened late and five never opened at all. Newly elected Democratic County Clerk Beth White says 150 inspectors failed to show and she failed to prepare.

"I take responsibility for not having a contingency plan. I know now that 917 is not enough to recruit. We need quite a few more because we will have this kind of problem at the last minute," she said.

At 4:00 am, election workers rushed to distribute the boxes, sometimes leaving them in empty polling places or with workers not trained or authorized to run voting machines. The county's election board did not ask a court to extend voting hours because, in part, the voting machines were not programmed to operate past 6:00 pm, she said.

"I've never seen an election like this," said Marilyn Mayfield, poll worker.

"One voter who has not been able to vote is one too many. I take responsibility for that. No one is more frustrated about that than I am," said White.

Republicans are not sympathetic, especially since White strongly criticized predecessor Doris Ann Sadler for similar problems. Tuesday night, Republicans held a news conference during which they denounced White's performance.

"We have seen a complete and utter lack of leadership and complete unprepared and inability to plan by mayor Peterson's hand-picked Marion County clerk," said Tom John, Marion County GOP Chairman.

"This is a hard job. Doris Ann had a hard job and now I see just how hard," said White.

Mayor Bart Peterson is supportive of White. "We will all figure it out over the course of the next few days and there will have to be a better job done by everyone I think in the fall election," he said.

But Tom John warns this election may not be over. "Candidate challenges are a distinct possibility and I think we need to brace for that over the coming weeks." He added. "This election may be in doubt. We may have to spend a million dollars on a new election. That's frightening."

### **Voters angry**

Voters who faced waits or other problems were disgusted.

"I think this is a crock. I suppose they've lost their way," said voter Charlie Van Treese.

Some polls opened several hours late. More than a dozen hadn't opened by mid-day. By mid-afternoon some were still closed. No one knows how many voters were turned away.

"It is never right for a citizen of any party not to get to vote," said Neil Topliff, voter.

White said she took responsibility for what happened. "If anybody wants to call me incompetent, that's their business," White said.

*- Compiled from reports by Rich Van Wyk and Mary Mitz. The Associated Press contributed to this report*

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana -- submission of  
comments and materials

## Attachment E

1. Correspondence from the office of the Indiana Secretary of State requesting Dr. Fraga's research and data (9/25/2017). Not responded to.
2. Exerpt from Dr. Fraga's upcoming text: *The Turnout Gap: Race, Ethnicity, and Political Inequality in a Diversifying America*.

*The Turnout Gap also confronts an emerging narrative regarding election laws and their potential to suppress minority voting. High minority turnout can and does occur even in the face of tremendous institutional barriers; in fact, minority turnout is often highest in the very places where restrictions are most severe...*

3. Paper abstract and review: *Candidates or Districts? Reevaluating the Role of Race in Voter Turnout*, Fraga, Bernard L. *American Journal of Political Science*, Volume 60, Number 1, 1 January 2016, pp. 97-122(26).
4. Media report: "Why did trump win? More whites – and fewer blacks – actually voted" by Bernard L. Fraga, et al., *Washington Post*, May 8, 2017.
5. Report: *State Election Laws and Their Impact on Individual Minority Voter Turnout*, Rauch, Jessica T. Indiana Department of Political Science, October, 2016.

*The previous literature pertaining to election reforms affects on voter turnout has had mixed findings ... (p.43).*

*Even though most of the literature and popular news stories focus on how voter identification laws affect groups of racial minority voters, I was not able to find any indication of that in my analysis. (p.43).*

**Bonnet, Jerry (SOS)**

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**From:** Bonnet, Jerry (SOS)  
**Sent:** Monday, September 25, 2017 3:54 PM  
**To:** 'fatima.hussein@indystar.com'  
**Subject:** Satellite voting research from IU

Dear Ms. Hussien,

The study of voting in Marion County by Professor Bernard Fraga – discussed in your article today is certainly of interest to state election officials.  
I cannot locate the article on-line, and Dr. Fraga has not responded to my email inquiry. Do you have a copy of the article I could look at, or would you kindly advise where I can obtain a copy?

Thank you,

Jerry Bonnet

Jerold A. Bonnet, General Counsel  
Office of the Indiana Secretary of State

Office: 317-232-6534

[One-page Summary]

### **The Turnout Gap:**

#### *Race, Ethnicity, and Political Inequality in a Diversifying America*

Why do some racial/ethnic groups vote more than others? Are there policies and institutions that boost, or suppress, minority voting? Does low voter turnout mean that elections do not reflect the wishes of all Americans? *The Turnout Gap* addresses these questions, examining rates of voting for Whites, African-Americans, Latinos, and Asian Americans from the pre-Civil War era to the present. Finding that the longstanding gap between minority and white voter turnout has *not* closed, Bernard L. Fraga takes a close look at contemporary disparities in voting rates, leveraging geographic and temporal variation to document where and when we see voting rates reach parity between racial/ethnic groups.

In so doing, the book challenges the conventional wisdom and suggests that there are broad patterns of consistency in who votes across racial/ethnic groups: when a particular group is seen as having the potential to drive election outcomes, citizens from that group are more likely to turn out to vote. Socioeconomic disparities do not explain this phenomenon, nor differences in voter eligibility. Instead, the root cause of low minority turnout is the fact that, in most elections and in most places, African Americans, Latinos, and Asian Americans are perceived to be a less electorally relevant force than non-Hispanic Whites. *The Turnout Gap* also confronts an emerging narrative regarding election laws and their potential to suppress minority voting. High minority turnout can and does occur even in the face of tremendous institutional barriers; in fact, minority turnout is often highest in the very places where restrictions are most severe.

*The Turnout Gap* indicates that the power of the vote can win out when politicians make a point to engage the minority electorate. However, the book also demonstrates the consequences of *not* remedying this political inequality: American elections are not representative of the wishes of all Americans, especially in 2016 and other recent elections. The continuing demographic transformation of America will not necessarily lead to political equality for minority citizens; it is instead up to politicians, parties, and citizens themselves to realize and mobilize the tremendous potential of all Americans.



# Candidates or Districts? Reevaluating the Role of Race in Voter Turnout

**Author:** Fraga, Bernard L.

**Source:** American Journal of Political Science, Volume 60, Number 1, 1 January 2016, pp. 97-122(26)

**Publisher:** Wiley-Blackwell

**DOI:** <https://doi.org/10.1111/ajps.12172>

## Abstract:

Leading theories of race and participation posit that minority voters are mobilized by co-ethnic candidates. However, past studies are unable to disentangle candidate effects from factors associated with the places from which candidates emerge. I reevaluate the links between candidate race, district composition, and turnout by leveraging a nationwide database of over 185 million individual registration records, including estimates for the race of every voter. Combining these records with detailed information about 3,000 recent congressional primary and general election candidates, I find that minority turnout is not higher in districts with minority candidates, after accounting for the relative size of the ethnic group within a district. Instead, Black and Latino citizens are more likely to vote in both primary and general elections as their share of the population increases, *regardless of candidate race*.

<https://journalistsresource.org/studies/politics/elections/minority-voter-turnout-research>

## The role of race in voter turnout

By [Bernard L. Fraga](#)

As the 2016 presidential election nears, both Republicans and Democrats have courted minority voters — a group that is [growing in size](#) and [increasing in political importance](#). Black and Hispanic people make up the country's two largest minority voting blocs and, as such, are especially important in close races. Various news agencies and other political observers have explored the question of [whether](#) [co-ethnic candidates](#) can reach the White House without winning over voters of color, who generally, according to a [2014 survey](#), identify as Democrats or independents.

Over the years, political scientists have studied the voting habits and behaviors of racial and ethnic minorities. One area of focus is voter turnout. While the minority population has increased — the Hispanic population alone grew [from 12.5 percent to 16.3 percent](#) from 2000 to 2014 — voter turnout among minority groups does not seem to be keeping up. It has long lagged behind that of white voters. In 2014, for example, the voting rate for non-Hispanic white adults was 45.8 percent while the rate was 39.7 percent for black adults and 27 percent for Hispanics, a [trend](#) [documented by the Pew Research Center](#). A decade previously, voting rates for those groups were 48.8 percent, 42 percent and 30.8 percent, respectively.



So, as political parties work to attract diverse voters, what factors influence whether they will show up at the polls on Election Day? Are minority populations more likely to vote if a candidate on the ballot is of the same race or ethnicity? Researcher [Jonathan Fraga](#) of Indiana University looked at these issues in a 2015 study published in the *American Journal of Political Science*. For the study, “[The Effect of Minority Candidates on Minority Voter Turnout](#),” Fraga took data collected from a nationwide voter registration database and combined it with data on congressional candidates. He analyzed congressional general and primary elections from 2006, 2008 and 2010 to gauge turnout among demographic groups.

Key findings from his study include:

- Having a political candidate of the same race or ethnicity on the ballot does not, by itself, prompt a larger voter turnout among minority groups.
- Turnout is often greater for minority voters when they live in a congressional district where their racial or ethnic group represents the majority of the citizen voting-age population (CVAP). For black and Hispanic voters specifically, turnouts are higher when each group makes up a larger portion of the electorate – regardless of the race of the candidates listed on the ballot.
- When no black congressional candidate is on the ballot, the general-election turnout for black voters is, on average, 40 percent in a district where black people make up 10 percent of the citizen voting-age population. The turnout is considerably higher — an average of 49.3 percent — in a district where black people are 50 percent of the voting-age population.
- In the absence of a Hispanic candidate, the general-election turnout for Hispanic voters is 6.4 percentage points higher in a voting district where Hispanic people make up 40 percent of the voting-age population compared to a district where they comprise 10 percent of the voting-age population.

This study builds upon previous research to show that the racial and ethnic makeup of an electorate is linked to minority-voter turnout. The author recommends further research to explore the cause of the trend. He suggests that these results be considered when evaluating plans to change voting districts. “Considering [voter] participation as well as demographic representation calls for a new metric to judge what is fair when crafting district boundaries,” Fraga states. He also notes that as the nation’s minority populations grow, voting districts will become more diverse, which could result in future changes in political participation.

**Related research:** A 2013 study published in the *American Journal of Political Science* looks at how preregistration, or the registration of youth before they reach voting age, influences voter turnout. A 2014 study from the University of South Carolina suggests that the Democratic Party and civil-rights organizations can play an important role in mobilizing black voters if they strengthen their organizational features. A 2014 study by Harvard University offers insights about voter participation in presidential primaries and caucuses.

[https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/08/why-did-trump-win-more-whites-and-fewer-blacks-than-normal-actually-voted/?utm\\_term=.648f5691d2f2](https://www.washingtonpost.com/news/monkey-cage/wp/2017/05/08/why-did-trump-win-more-whites-and-fewer-blacks-than-normal-actually-voted/?utm_term=.648f5691d2f2)

## **Why did Trump win? More whites — and fewer blacks — actually voted.**

By Bernard L. Fraga, Brian Schaffner, Jesse Rhodes and Sean McElwee By Bernard L. Fraga, Brian Schaffner, Jesse Rhodes and Sean McElwee

Monkey Cage Analysis  
May 8, 2017

Why did Trump win — and Clinton lose — the 2016 U.S. presidential election? That's been debated widely, to understate the case. Nominees include each campaign's ground game, messaging, FBI Director James B. Comey's last-minute letter to Congress, and defections from the "Obama coalition."

Here, we offer new data to show that shifts in which racial groups went to the polls may have made the difference.

Using data from the voter file vendor Catalist and information from the U.S. Census Bureau, we examine the change in turnout rates for different racial/ethnic groups between 2012 and 2016. Black turnout declined dramatically; white turnout increased noticeably; and Latino and Asian American turnout went up even more. In the key swing states of Michigan, Wisconsin, and Pennsylvania, those shifts were especially strong. How strong? Without those shifts in turnout from various racial and ethnic groups, these pivotal states might have gone not to Trump but to Clinton — giving Clinton an electoral college victory.

### **How we did our research**

It is surprisingly difficult to estimate levels of voter turnout by race. Unlike the forthcoming report from the Current Population Survey, Catalist's estimates are based not on self reports but on actual turnout records. Since most states do not ask voters about their racial/ethnic background, Catalist usually estimates this information from the voter's name and neighborhood.

According to recent research, Catalist correctly predicts race/ethnicity about 91 percent of the time. Further, we use Catalist's estimates of voter race for both 2012 and 2016. If

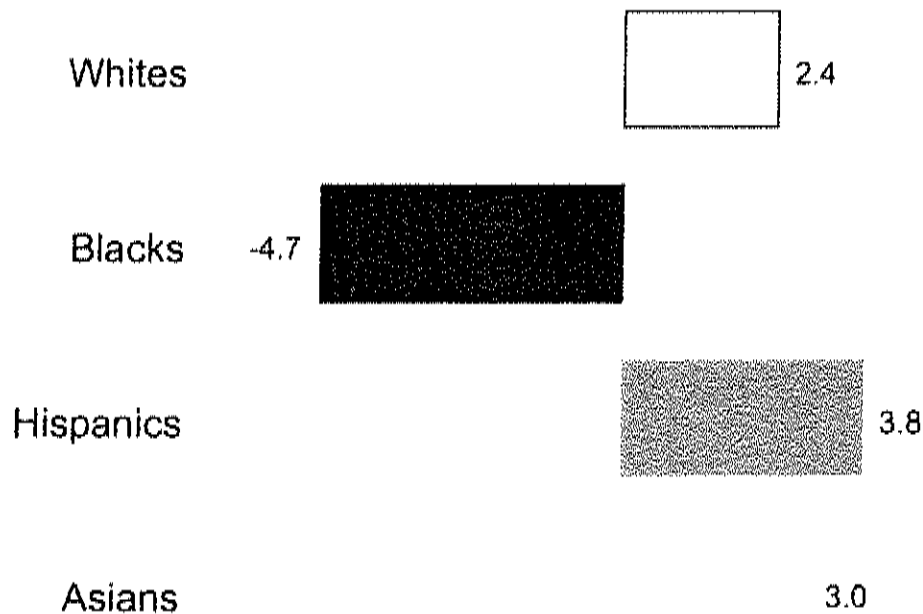
Catalist's estimates are wrong, they're likely wrong in a consistent way — and so any differences we find in the electorate's racial composition are accurate.

The denominator we use to calculate turnout rates is an estimate of the citizen voting-age population (CVAP) by race in November 2012 and November 2016, respectively. To construct this estimate, we use the Census Bureau's Population Estimates Program data to calculate the voting-age population in each state by race, and then use American Communities Survey information on citizenship rates to remove the (often substantial) noncitizen population for each racial/ethnic group.

### **How voter turnout by race changed between 2012 and 2016**

Nationally, turnout rates for these racial/ethnic groups changed noticeably from 2012 to 2016, as you can see in the figure below.

## Change in turnout rates by race (2012 to 2016)



-6 -4 -2 0 2 4 6  
Change in % of group voting from '12 to '16

Turnout data provided by Catalist. Voter race is estimated in most states.  
Figure by Bernard Fraga, Sean McElwee, Jesse Rhodes, and Brian Schaffner.

Voter turnout among whites — the racial/ethnic group most strongly in Trump's corner — increased by 2.4 percentage points in 2016 compared to 2012. In stark contrast, turnout among African Americans — the group most loyal to Hillary Clinton and the Democratic Party — fell by 4.7 percentage points nationally. Latinos and Asian Americans, both groups that are generally Clinton supporters, were more likely to vote — by 3.8 and 3.0 percentage points, respectively.

These national averages obscure important patterns. Here's what stands out: while the decline in black turnout was stark across the board, it was sharpest, on average, in the states that determined the outcome of the election. Black turnout fell by 4.3 percentage points in non-battleground states in 2016 compared to 2012. But it fell by 5.3 percentage points in states where the election was decided by a margin of less than 10 points.

Given how important African Americans are to the Democratic coalition, the swing-state collapse of black turnout seriously hurt Clinton.

Let's take an even closer look at particular states. The figures below show states where at least 3 percent of the population was African American or Latino, and shows the changes in African American and Latino voter turnout rates between 2012 and 2016.

As you can see, the national average hides dramatic differences among states. For example, as we've said, the African American turnout rate fell by 4.7 points nationally. But in Michigan and Wisconsin — two key Midwestern states where, to analysts' surprise, Trump won — black turnout fell by more than 12 points.

Similarly, overall white turnout increased by only 2.5 points nationally. But in several states it surged by more than 5 points. In the critical battleground state of Florida, white voter turnout jumped by 4 points — and black turnout fell by 4 points. Trump won Florida by a margin of just 1.2 points.

At the same time, Latino voter turnout jumped especially in Connecticut, Florida and Illinois. Nationally, as noted above, the increase was 3.8 points. But in Florida it went up 5.4 points — which may suggest the Clinton campaign did effectively mobilize Latino voters there.

Just as notably, in Texas the Latino turnout rate was up by 4.9 points, a state never expected to be close. But Trump won Texas by only nine points, a dramatic drop from

Romney's 16 point victory in 2012. And Arizona's 2.7-point increase in Latino turnout helps to explain why Trump won that state by only 4.5 points, half of Romney's 9 point margin in 2012.

### **Were these changes in voter turnout enough to decide the race?**

To find out, we used the Cooperative Congressional Election Study to estimate the 2016 presidential vote choices of whites, African Americans, Latinos, and Asian Americans in each state. Then we set the turnout rates of each of these groups to their 2012 level, while keeping everything else as it was in 2016. You can see the results in the figure below.

But if groups had gone to the polls at the same rates as in 2012, Clinton would likely have won Michigan, Pennsylvania, and Wisconsin in 2016 — though in the last two cases by razor-thin margins.

If we changed nothing but the turnout rates of various racial and ethnic groups, in Michigan, the actual Clinton loss by .2 percentage points would have become a victory by 1.5 percentage points. Clinton's actual loss by 0.7 percentage points in Pennsylvania would have been a 0.5 percent victory. And instead of Trump winning Wisconsin by 0.8 points, Clinton would have won by 0.1 percent. Clinton's electoral college total would have been 278 votes, putting her in the White House.

Of course, these measures are estimates and subject to error. Interpret cautiously. But what's clear is that the jump in white turnout in key swing states and drop in black turnout may well have handed the presidency to Trump.

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*Disclosure: A portion of this research was supported by Demos. This post is part of a broader project investigating voter turnout in 2016 and the possible role of voter suppression.*

STATE ELECTION LAWS AND THEIR IMPACT ON INDIVIDUAL MINORITY  
VOTER TURNOUT

Jessica Taylor Rauch

Submitted to the faculty of the University Graduate School  
in partial fulfillment of the requirements  
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Jessicah Taylor Rauch

STATE ELECTION LAWS AND THEIR IMPACT ON INDIVIDUAL MINORITY  
VOTER TURNOUT

This thesis examines recent changes in state level voting laws and their effect on the turnout rate of different minority group voters. Individual states are in charge of conducting their own elections as well as having their own requirements for registering voters and early voting. There is no federal law or constitutional mandate that requires states to have similar election laws, but The Voting Rights Act of 1965 tried to ensure the laws passed do not disproportionately exclude certain citizens from the ability to vote. Because of this attempt to not exclude minority groups, election laws can vary widely by states and impact citizens of some minority groups. Some states have chosen to pass laws that make registering and voting more complicated, while others have tried to ensure that both are as easy as possible for each and every citizen. Voting laws can have negative consequences for many groups. Minority populations are often thought to be hit the hardest by many of these election reform laws. Some states have been passing more restrictive laws since 2000 and again in 2013 after section 4(b) of the Voting Rights Act was ruled unconstitutional by the United States Supreme Court. This variance in election laws across states and across election years gives a perfect arena to further evaluate the potential effect. This analysis will look at comparing states from 2006 to 2014 in order to determine the effect of restrictive voting laws on turnout.

Aaron Dusso, Ph.D., Chair

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## **Introduction**

The effects of election reforms on citizens are not trivial and should be properly understood. The government is involved in every citizen's life in one way or another and because of this the changing of election laws has a real impact on a citizen's ability to vote. Different election reforms can affect different groups of citizens. With the possibility of groups not being affected the same, the reforms need more study and this thesis adds to the overall research of election reforms. Election laws can focus on many different aspects of an Election; but of specific importance to this thesis are early voting reforms, voter registration reforms, and photo identification reforms.

The previous research on election reforms looks primarily at how turnout was affected in aggregate. There does appear to be conflicting findings on just who was affected and by how much. Different research methods and models are utilized to explore these research questions. The research does fall short in its understanding of how minority citizens are specifically affected.

Even in the short time since major changes started happening in regards to election reforms there has been a lot of activity. The versions of election reforms in modern history started happening in the 1970s. One of the biggest boost to election reforms came after the passage of the Help America Vote Act (2002). This law required states to meet certain standards and in order to meet them they would potentially need to pass legislation. The second boost to election reforms being passed was the Supreme Court case Crawford V. Marion County. This case affirmed that Indiana's requirement for government issued photo identification was constitutional and could be allowed to

continue. Many more laws have been passed and they will be discussed later in this thesis.

There has been turbulence in election reforms in recent years and months. The controversy and misunderstandings surrounding different election reforms makes for an important thesis topic and discussion. This thesis will look to answer two hypotheses specifically.

Hypothesis 1: In states with strict voter identification laws, the lower a state's aggregate education level, the lower voter turnout will be.

Hypothesis 2: In states with strict voter identification laws, the larger the minority population, the lower voter turnout will be.

A dataset was created to address these questions. This dataset contained data from the Census Bureau, Bureau of Labor Statistics, and the Almanac of American Politics. Regression analysis was used to test the hypotheses. In order to drill down to the level of detail I wanted I used interactions of key variables. By using a three-way interaction I was able to find the exact group of people most affected by requiring photo identification to vote.

Election reform research is every changing and will require additional study. It seems every year or even month a new state passes an election law or gets told their law is unconstitutional by a judge. The variation in scope and strictness of reform laws makes this topic one that will need to be constantly studied to ensure minority or disadvantaged citizens are not being impacted at a higher rate than the rest of citizens.

## **Chapter 1**

### **History of Election Reforms**

Since the first election in 1788, the United States has seen suffrage expand numerous times to allow new groups of people to vote, but not everyone chooses to exercise this right every election. While the choice to participate or not is a personal one, it can often be more difficult because the processes of getting registered and voting on Election Day are too cumbersome. In other words, the hurdles to voting can be quite high for some individuals.

Election administration is up to the individual states, but there are a few laws that the federal government has passed in which every state must follow. Having state legislatures in charge of their own laws regarding voting registration, absentee voting, early voting, and any other form of election administration means there is the potential for differences in the laws across states. States also allow the officials in charge of administering elections to be elected, possibly complicating the idea that they can be impartial and ensure all citizens are able to vote. Even with having officials in charge of election administration; elections have not been without their problems.

Lines at polling places throughout the years on Election Day are not unheard of. The issue coming to light in more recent years is the fact that some lines are getting much longer and are increasingly happening in areas dominated by minorities. These lines can reach as great as 5 hours in some areas. (Famighetti, Melillo, Perez 2014). There was also one election center in Northern Chicago during the 2014 election where the last voter did not cast his ballot until three a.m. on Wednesday. The voter that was last in line said he



was not going to be denied his right to vote and knew that was a sentiment others at the end of the line shared (Ford and Bowen 2014).

There were long lines at polling places in many different states in many different years; but there was also a long recount scandal during the 2000 election in Florida that delayed the official results of the presidential election for a little more than a month and caused other changes to happen. The other major controversy in Florida was the issues of the butterfly ballot. There were too many candidates to fit on one side of the ballot and the decision was made to put them on different pages so that when the ballot was opened each candidate's name alternated lines. This type of ballot was tough to read for many voters and they had a hard time knowing exactly for whom they cast their ballot. The problem with the ballots put the election results into question. When the vote totals came in on Election Night and George W. Bush and Al Gore were within a small margin of each other, there needed to be a recount. These butterfly ballots then made it hard for some counties to decide for whom the voter truly voted or if the vote was actually intended for another candidate. This election was so controversial and contentious that it needed to be decided by the Supreme Court of the United States of America (Toobin 2002). Luckily for voters, Congress passed the 2002 Help America Vote Act (HAVA) not too long after realizing the deficiencies in the electoral system after the disastrous 2000 election.

The Help America Vote Act (HAVA) of 2002 created new minimum election standards that all states were required to follow. HAVA also created the Election Assistance Commission (EAC), which is tasked with assisting the states with compliance with HAVA on top of distributing the funding that each state receives to help meet the

new minimum standards. HAVA requires that each state enact six procedures and programs: updated and upgraded voting equipment, statewide voter registration databases, voter identification procedures, provisional voting, voting information, and administrative complaint procedures. Indiana was the first state to take the HAVA voter identification requirement a step further and required identification of all voters. This law was challenged and was appealed all of the way to the U.S. Supreme Court where it was upheld as being constitutional (Larocca and Klemanski 2011).

Also as a result of HAVA, polling places are required to have at least one voting machine accessible to voters with disabilities and needed to try getting more electronic voting systems instead of the often confusing punch card or lever machines that have been used by many locations in the past. States were also required to make their voter registration databases electronic and regularly maintain their lists by purging ineligible voters. First time voters are also now required to show identification when casting their first ballot. They are able to show identification without photos, such as a utility bill with a matching address to what is on the registration roll or a birth certificate. Voters who are not on the registration lists but believe they are properly registered are permitted to vote via provisional ballot that is then certified by state officials. In 2004 there were approximately 1.9 million provisional ballots cast and 1.2 million (64.5%) were subsequently counted (Weiser 2006).

Many media outlets published personal stories of individuals that experienced less than ideal voting conditions in recent elections. Long lines seemed to be a major problem of the 2004 presidential election. One news story reported a student waited in line from 1:30 pm till 11:00 pm when she was finally able to cast her vote.

"Ground zero for long waits was Gambier, Ohio, where two electronic voting machines served 1,170 voters. The polling place had to stay open until 4 a.m. to accommodate everyone. Rita Yarman, deputy elections director in Knox County, which includes Gambier, says early voting would have helped. "I think it would be wonderful," she says. "We're certainly hopeful that that comes about." So is Maggie Hill, 21, a student from Maryland who registered to vote at her Kenyon College address in Gambier because her vote for John Kerry mattered more in Ohio. She got in line to vote at 1:30 p.m. and finally got to cast a ballot at 11. "I think I would consider doing the early voting" next time, she says. "There were just too many people"" (Drinkard 2004).

During the 2012 general election there was another account of a voter having to wait a long time, although this was for an early voting line that required 8 hours of waiting before being able to cast a ballot (Peters 2013). There is another report that stated voters at a precinct in Miami-Dade County in Florida were turned away from early voting because too many people showed up wanting to cast a ballot, and the precinct could not handle that many people. These voters were required to come back on Election Day if they wished for their vote to be counted.

"The elections office in Miami-Dade County has reopened after shutting its doors to voters who waited in long lines for an absentee ballot. Deputy Supervisor Christina White says election officials were overwhelmed by the crowd Sunday. With limited staff and one printer, election officials decided to shut down the main office. Voters banged on the front doors and demanded to vote, prompting staff to reopen the office about an hour later. White says, "We heard them loud and clear"" (Associated Press 2012).

In September of 2005 the Commission on Federal Elections released a report that was tasked with finding problems from both the 2000 and 2004 elections, and subsequently give recommendations for fixing those issues. Former President Jimmy Carter formed the commission with members from both parties hoping their recommendations would lessen the burden of voting some citizens experience. The report they released was titled "Building Confidence in U.S. Elections," and it found the 2000

election had problems with “flawed voter registration lists, obsolete voting machines, poorly designed ballots, and inadequate procedures for interpreting disputed votes” (pg1). The recommendations were based on where they felt HAVA was falling short and where it was truly helping voters. This report opened local officials eyes, by clearly indicating that changes were needed in how elections were administered. Even after passing HAVA, elections only seemed to marginally improve in some areas, but the larger problem remained. Many polling locations across the country were able to shorten wait times because of new electronic voting machines and their ability to make reading the ballot easier (EAC pg3). Simultaneously, the first presidential election after HAVA was passed was in 2004, and it brought to light other issues that were not addressed in the legislation. These problems included voter registrations not being processed in time, absentee ballots not being mailed out in time, long lines at some polling places, improper requests for identification, concerns about partisan registration purges of registration lists, and different procedures across states for counting provisional ballots (EAC pg3).

Voting in elections is one of the ways people can decide what they want for the future of the United States. This civic responsibility has become easier for some than it has for others. Even when some citizens want to vote, they are unable to because they are often met with either voting or registration restrictions passed in their state. Voting restrictions can be present in many election laws. One example of a voting restriction is requiring a government issued photo identification to vote. A driver's license/identification card or military id would also work, but it has to have a picture and an expiration date (as well as address that matches registration rolls). States have been offering the non-driver's license identification cards for free but it does still require the

citizen to go to a Bureau of Motor Vehicles office to obtain one. A second voting restriction is taking away the right for felons to vote. Tolbert et. al. (2008) found that by giving felons full voting rights turnout goes up by 3.6 percent. Each state decides on their own if and when felons can vote. It can range from never losing the right to vote (Maine and Vermont) to having to apply to have voting rights restored (Florida, Iowa, etc).

The Alabama NAACP has brought suit against the state of Alabama because they see the new voter identification law discriminating against African-American and Latinos in the state. The NAACP's claim is that the passage of this law disenfranchises African-American and Latino's to try and fix the voter fraud problem the proponents of this law see happening in elections. Also involved in the lawsuit is the fact the state closed 31 DMV locations that had populations that are heavily minority. With the DMV offices closing, the citizens of these counties are required to travel to another county to get a proper identification card to vote often requiring more time and cost than they are able to afford (Roth 2015).

A similar set of arguments was set forth when the U.S. Justice department challenged a voter identification passed in Texas. The state of Texas argued that the law will "guard against voter fraud and protect public confidence in elections." Civil rights groups and the Justice Department feel the law is passed with the intent to suppress certain types of voters (Barnes 2014). With an increase in the number states passing voting laws, there is a need for more research on the effects these laws are having on electoral participation.

Just as Alabama and Texas have had recent laws passed requiring voter identification, North Carolina has had to deal with voter identification controversy. In 2013, the state legislature passed their bill requiring all voters to provide photo identification in order to cast a ballot. Their photo identification law meant that an eighty-six year old woman who newly moved to North Carolina from New Hampshire was not issued an identification card at first because all of her documents did not match because some had her married name and that did not match her birth certificate. In North Carolina, a ninety-four year old woman who had been voting for seventy years and was a civil-rights pioneer was required to make eleven trips to state agencies just to comply with the new law and be able to vote (Berman 2016).

There is considerable popular concern regarding the effects these laws are having, with citizens and politicians both offering up their own claims and theories. However, these typically lack systematic research or comprehensive data to corroborate their assumptions. It is important to figure out if a link does exist between the most restrictive voting laws and turnout among minority groups. If minority groups do in fact have lower turnout in states with the most restrictive voting and registration laws, there will need to be a real discussion of alternative methods of election reform that ensure this representative democracy will continue to be representative of all groups of citizens. With the statistical data that is gained in this report it will be a first step to finding the best election reforms to get a high turnout that is among the highest in developed countries.

The United States often claims to be a model democracy for other countries around the world when it comes to voting. Having citizens wait in long lines, require

government issued photo identification, or require them to jump through many hoops to only register to vote sets a troubling example. Figuring out if this is the case will require an in depth look into election reforms and discover if they are the true culprit behind any inequality of turnout that may exist. The analysis of this thesis will specifically use interaction variables as the way to drill down and see specific groups affected by election reforms. This was the most effective way to see all of the factors affecting a citizen's ability to turnout and vote.

Modern day election reforms started in the early 1970s in Maine, Minnesota, Ohio, and Wisconsin by enacting Election Day registration (Ansolabehere and Konisky 2006). Maine's adoption of Election Day registration was met with little resistance in a bipartisan measure passed in 1973. The legislators in office at the time only saw it as "part of a routine revamping of the state's election laws" (Adams 2011). Ohio (in 1977) and Oregon (in 1975) repealed their Election Day registration laws (Ansolabehere and Konisky 2006). Ohio voters repealed their law just months after the legislature passed it (Initiative & Referendum Institute 2014). In 1993 the National Voter Registration Act (NVRA) was passed to make it easier for voters to register by adding the ability to register at driver's license bureaus, public assistance agencies, and mail-in registration. Idaho, New Hampshire, and Wyoming adopted Election Day registration "to avoid having to implement the National Voter Registration Act" (Ansolabehere and Konisky 2006) in time for the 1994 election.

Before the 2000 presidential election, Oregon found it more beneficial to execute an all-mail-in election, beginning in 1998. Congress wanted to build on the NVRA and in 2002 passed the Help America Vote Act of 2002 (HAVA). This act was intended to

improve state election administration. It specifically spelled out rules that states would be required to implement. The first of these is that it mandated within-state uniformity on balloting systems and second that all new voters in states would need to show identification. Indiana was the first state to take the HAVA voter identification requirement a step further and required identification of all voters. This law was challenged and was appealed all of the way to the U.S. Supreme Court where it was upheld as being constitutional (Larocca and Klemanski 2011). In 2011, the state of Washington followed Oregon's lead and instituted an all-mail voting system, and in 2013, Colorado decided to try the same thing. Scholars have yet to fully examine the effect that these changes have had on participation due to how recently they have been implemented.

After the 2012 presidential election, President Barack Obama signed an executive order to create a commission to study the problems voters face during elections and also give recommendations to help make administering elections more efficient. The 2012 commission had a similar task as the commission set forth by former President Jimmy Carter in 2005. This 2012 commission gave their final recommendations to President Obama on January 22, 2014. The commission's primary findings were that elections were problematic because of a lack of resources, outdated voting technology, and long lines. The overall biggest problem was voters having to stand in long lines to cast their ballots on Election Day. Depending on the election location the long lines could be caused by poll worker mismanagement limited or misallocated resources, and long ballots.



In addition to the commission created by President Obama, there have been independent organizations working to understand specific electoral problems. One such group is the Brennan Center for Justice. The Brennan Center for Justice at New York University Law School is a non-partisan public policy and law institute that focuses on the fundamental issues of democracy and justice. Famighetti, Meillo, and Perez's (2014) report for the Brennan Center researched why some voters were experiencing long lines on Election Day and to what extent those long lines are affecting the voters. The report found that the long lines during the 2012 election were seen more often when minority groups were present. They found that in the three states that were studied, (Florida, Maryland, and South Carolina) "race had a statistically significant relationship with line length and resource allocation" (pg.20).

The issues of the 2000 election were caused by clerical and technology problems that some saw as minor problems; but nevertheless there was a national movement towards reforming the electoral process as a whole (Gronke, Galanes-Rosenbaum, Miller 2008). These five problems are only the tip of the iceberg when looking at the deficiencies in the election process. They are evidence that there are much bigger problems that need further examination also. With election turnout far below the ideal level of 100% there needs to be research into factors that are prohibiting voters from participating.

### **Election Law/Requirements**

Throughout United States election history it is understandable that election laws have evolved over time. With growing number of people being a part of the electorate as well as evolving voting technology new and different election laws and requirements will

be needed. As these laws change it is important to take some time to discuss how the laws differ from state to state.

### **Voter Registration**

There are four requirements a citizen must meet in all states before they are eligible to register to vote. First, the voter must be a citizen of the United States and a legal resident of the state and county in which they are seeking to cast a ballot. Second, citizens must be at least eighteen years of age when voting or seventeen and a half when registering. The third requirement is the voter cannot be serving a sentence for a felony conviction. The fourth and final general requirement is that the voter is not declared mentally incompetent (Hardaway 2008). These are not all of the requirements that a voter has to fulfill to be registered to vote. There are state laws that can differ that need to be satisfied as well.

After these initial requirements, states are able to pass additional conditions as long as they do not alter the above requirements. One of these most common additional requirements states decide on is if the voter needs to be registered before Election Day or if they are able to register on Election Day and still vote the same day. States often have a cutoff date (typically around 30 days prior to Election Day) by which the citizen must have their form turned in to be eligible to vote in the next election.

The registering process is not the same across all states and can provide some confusion and problems. There has been evidence that individuals, who have had fewer opportunities in prior years to register, are the ones most likely to take advantage of registering on Election Day or closer to Election Day (Highton 2004 pg. 509). For

example, take two individuals that are alike in every way except that one is 20 years old and one is 60 years old. For the upcoming presidential election, the 20-year-old will be eligible to vote for the first time, and as a result, the he or she will have had only one opportunity to register, whereas the 60-year-old will have had decades of opportunity to do so. In addition, the 20-year-old will also be more likely to register closer to the election when media coverage is greater and registration drives are happening more frequently. Closing the registration window further out from Election Day may mean the difference between registering or not for young people. In contrast, the 60-year-old will have already had numerous times to register in his or her life up to this point, and the impact of closing registering further from Election Day will matter less. Thus, earlier closing dates have a larger effect on newly eligible voters (Highton 2004).

Research on Election Day registration has found strong evidence supporting the claim that it helps increase turnout. For example, Tolbert et al. (2008) found an increase of 4.5 percent in states with same day registration, while Wolfinger and Rosenstone (1980) predicted that turnout will increase 9 percentage points if Election Day registration is allowed. Brians and Grofman (2001) had three central findings in their article when they studied Election Day registration. These three findings are average turnout increased by about four percentage points where Election Day registration was adopted, there is a weaker relationship between reduced closing dates and greater turnout once effects of Election Day registration are specified, and finally that the middle class reaps the greatest turnout benefits from Election Day registration. Finally, Ansolabehere and Konisky (2006) found that a state requiring registration before an election does lower turnout among citizens.

The introduction of “motor voter” laws has also been shown to help turnout (Highton 2004). Most citizens need to go to a motor vehicle agency for a driver’s license, renew car registration, or get an identification card. Being able to register to vote at a place where most individuals are required to visit already has made the personal non-monetary cost of registering decrease enough that registering is not seen as a big problem (Wolfinger and Hoffman 2001). Some agencies are required to ask everybody that visits their Bureau or Department of Motor Vehicles if they are registered or would like to register to vote. This is a more active way of registering voters and has seen the best results in increasing voter registration (Highton and Wolfinger 1998). A more passive approach allows citizens to register to vote and have registration forms available at BMVs, but do not ask each person that comes into the agency. This more passive way of using “motor voter” laws did not individually have effects that were distinguishable from zero (Highton 2004).

### **Voter Photo Identification**

The central issue to the research question discussed in this thesis is the burden that obtaining and using photo identification puts on voters during elections. Laws requesting or requiring identification of any kind have been in effect within the United States beginning in the 1950s. South Carolina was first by requesting that voters show any kind of identification but a photo was not required. Between 1970 and 1980 Hawaii, Texas, Florida, and Alaska joined South Carolina wanting their voters to show identification. Georgia joined Indiana as the “first states to require photo identification and required anybody that did not have proper identification to vote on a provisional ballot and return

to an election office within a few days with the proper identification for the vote to count” (NCSL 2015).

As discussed briefly before, these laws were then taken to court on the grounds that they were unconstitutional. In 2008 the U.S. Supreme Court took up the case of Indiana’s voter identification law and found it to be constitutional, which allowed it to go forward and be implemented for the 2008 election. William Crawford, a Democratic member of the Indiana House of Representatives, is the lead plaintiff in the case while the election board of Marion County where Indianapolis is located is the defendant. The Court’s opinion appeared to rest on the lack of evidence supporting the claim that these laws disproportionately burden certain segments of our society (*Crawford v. Marion County* 2007). The lawyer that represented the plaintiff, William Crawford, failed to bring even one witness from the state of Indiana to testify that this law put an undue stress on their ability to vote. There were many around the country that saw this lack of a witness as a fatal flaw that ensured the Supreme Court would side with the state of Indiana and rule the voter identification law to be constitutional. Following this decision, a number of states adopted similar identification laws to Georgia and Indiana.

Additionally, there is research behind the challenges a Voter-ID law may impose on voters. As of October 2014, 31 states require voters to present an identification card when casting a ballot. The other 19 states only require a signature that is then checked against the signature on file (Underhill 2014). An assumption by voter identification proponents is that most people will go to a motor vehicle agency for any number of reasons and can also get a photo identification card, but this is not always the case. These laws can place a significant burden on low-income individuals (Hersey 2009). These

lower socio-economic status citizens are more likely to not drive, not have the time to go to a motor vehicle agency because of work, not have the required documentation to obtain an identification card, and live in an area that the DMV is being shut down and consolidated with other areas requiring citizens to travel much further distances to get proper identification. This was most notably happening in Alabama where 34 DMV locations were being closed and opponents felt they were specifically targeted because they were in the lowest socio-economic areas and therefore would have the greatest difficulty traveling to the new location (Marsh 2015).

Using the 2006 Cooperative Congressional Election Study, Stephen Ansolabehere was able to look at questions that asked respondents to self-identify if they were ever turned away from voting because of not having proper identification. He was able to determine that the problem of non-voting because of photo identification is very rare. This survey was a collaborative project among 37 universities and yielded a national sample of 36,500. The survey “included a battery of questions to gauge Election Day practices; a handful of questions probed the use of voter identifications” (Ansolabehere 2007).

Mycoff, Wagner, and Wilson (2009) looked at both aggregate and individual level data while utilizing the 2006 Cooperative Congressional Election Study. They wanted to examine how the strictness of the state’s voter identification affects individual turnout. For looking at the strictness of voter identification laws, the authors utilized a six-point scale, but also used a dummy variable where one equals a photo identification card is required and zero where no photo identification is required (pg. 122). They concluded

that “state voter identification requirement laws have no significant effect on state-level turnout” (pg. 123).

The problem that past research has is that it focuses on aggregate level turnout. This can cause it to miss significant variance in smaller segments of the population, such as Latinos, Asian-Americans, and the poor (Alvarez, Bailey, and Katz 2008; Vercellotti and Anderson 2006). Alvarez, Bailey, and Katz found it beneficial to use the same data and theoretical framework as Vercellotti and Anderson. They both used the Census CPS Voter Supplemental data; but Alvarez, Bailey, and Katz decided to look at the data between 2000 and 2006. By only looking at one year at a time, Alvarez, Bailey, and Katz felt that Vercellotti and Anderson were not able “to correctly estimate the causal effect of voter identification requirements by utilizing the differences between states that changed their requirements and those that did not” (Alvarez, Bailey, Katz 2008).

Given the wide range of election laws across the states, in particular voter identification laws which range from requiring no identification in 17 states to full government-issue photo ID in 18 states; one can think of this as a spectrum that places the most restrictive states like Indiana on one end to states that require nothing like California on the other. A state can choose to not require or request any identification when voting, making it the least restrictive identification law utilized. The most restrictive identification laws are in Georgia, Indiana, Kansas, Mississippi, North Dakota, Tennessee, Virginia, Texas, and Wisconsin. The least restrictive identification laws are in Alaska, Arkansas, Colorado, Connecticut, Delaware, Kentucky, Missouri, Montana, New Hampshire, Oklahoma, and Utah. These lists do not include the states that have an all-mail election. For example a voter that is registered by the registration deadline will be

able to go to their polling place on the day of the election and cast a ballot without needing to show either a driver's license or a utility bill. Since there is nothing a voter needs to do additionally on Election Day it is the least restrictive voter identification law.

The other end of the spectrum is when a state requires photo identification of all voters and does not allow a ballot cast unless they show proper photo identification from a government entity. There are also instances where a state could choose to require identification but not photo identification. This lies in the middle of the spectrum since it is a bit more restrictive than not requiring identification but not as restrictive as requesting photo identification and making the voter sign an affidavit if they do not possess the proper form. By looking at each state and their individual voter identification laws, it will become apparent if minorities are disproportionately affected, as they are not able to attain the proper identification required by law.



## Chapter 2

### Methods of Voting

Early in-person voting is done by the voter ahead of the actual Election Day, but still requires the citizen go to a local election office or satellite locations if the state offers it (Gronke, Galanes-Rosenbaum, and Miller 2008). Early voting began in Texas in 1963, but did not take its current form right away nor was it called early voting; instead opting for absentee voting. In 1963, a singular temporary voting center was utilized in the counties where the county seat was not in the largest town in the county. Any voter at this time was also required to have a valid reason why they could not vote on Election Day and needs to vote early. From there, in 1987 a Texas legislator introduced legislation abolishing requiring a reason why the voter needs to cast a ballot early. In 1991, legislation was passed in the Texas legislator making changes that resemble more of the current early voting laws. First, this legislation changed the name from absentee voting to early voting. A second change was the local election official's ability to set up numerous temporary voting stations in non-governmental places that are allowed to have shorter hours than normal Election Day times (Haag).

The most restrictive of early voting laws are when the state only allows in-person early voting a two weeks or less before the election; just as Florida, Hawaii, Illinois, Louisiana, Maryland, North Carolina, Oklahoma, Texas, Utah, West Virginia, Wisconsin, and Washington DC. California, Nebraska, and Vermont have some of the least restrictive early voting laws; allowing early voting more than four weeks out from Election Day. On the opposite side is Oklahoma who has one of the most restrictive early voting laws. Their early voting is only available the Friday, Saturday, and Monday before

Election Day. Table 1 gives a complete list of each states election laws as of compiling the dataset for this thesis.

**Table 1. Election Reform Laws by State**

State	Early Voting Law	Voter ID Law	State	Early Voting Law	Voter ID Law
Alabama	No early voting	Photo ID	Arkansas	2 to 4 weeks	
Alaska	2 to 4 weeks	Non-photo ID	California	More than 4 weeks	No ID
Arizona	2 to 4 weeks	Non Photo ID	Colorado	2 to 4 weeks	Non-photo ID
Connecticut	No early voting	No ID	Nebraska	More than 4 weeks	No ID
Delaware	No early voting	Non-photo ID	Mississippi	No early voting	Photo ID
Florida	Less than 2 weeks	Photo ID	North Carolina	Less than 2 weeks	?
Georgia	2 to 4 weeks	Photo ID	North Dakota	No early voting	Non-photo ID
Hawaii	Less than 2 weeks	Photo ID	Ohio	2 to 4 weeks	Non-photo ID
Idaho	No early voting	Photo ID	Oklahoma	Less than 2 weeks	Photo ID
Illinois	Less than 2 weeks	No ID	Oregon	All mail system	No ID
Indiana	No early voting	Photo ID	Pennsylvania	No early voting	No ID
Iowa	No early voting	No ID	Rhode Island	No early voting	Photo ID

Kansas	2 to 4 weeks	Photo ID	South Carolina	No early voting	Photo ID
Kentucky	No early voting	Non-photo ID	South Dakota	No early voting	Photo ID
Louisiana	Less than 2 weeks	Photo ID	Tennessee	2 to 4 weeks	Photo ID
Maine	No early voting	No ID	Texas	Less than 2 weeks	Photo ID
Maryland	Less than 2 weeks	No ID	Utah	Less than 2 weeks	Non-photo ID
Massachusetts	No early voting	No ID	Vermont	More than 4 weeks	No ID
Michigan	No early voting	Photo ID	Virginia	No early voting	Photo ID
Minnesota	No early voting	No ID	Washington	All mail ballot	All mail ballot
Mississippi	No early voting	Photo ID	Washington DC	Less than 2 weeks	Non-photo ID
Missouri	No early voting	Non-photo ID	West Virginia	Less than 2 weeks	No ID
Montana	No early voting	Non-photo ID	Wisconsin	Less than 2 weeks	?
Nebraska	More than 4 weeks	No ID	Wyoming	No early voting	No ID
Mississippi	No early voting	Photo ID			
Missouri	No early voting	Non-photo ID			
Montana	No early voting	Non-photo ID			

Source: State boards of election, National Conference of State Legislatures, Early Voting Information Center at Reed College

### **Methods of Voting Statistics**

Throughout all of the elections and years of study it has been difficult to get accurate numbers on how many voters are using which methods. Using one data source as opposed to another means the findings of the research could be completely different and not match any other findings. This often causes confusion and conflicting results that can be hard to figure out where they fit in the larger body of election research. Research by Alvarez, Levin, and Sinclair in 2012 found that a total of 64% of respondents to the 2008 Survey of the Performance of American Elections cast their ballot on Election Day, making it the most used form of voting. Following Election Day voting, 18 percent of respondents reported they voted early in person and another 18 percent voted absentee by mail. This survey provided a “comprehensive national assessment of voter experiences with electoral process” and was composed of surveys from 200 respondents in each of the 50 states. Being able to get actual data on how many voters use each method has not been easy throughout the years (Alvarez, Levin, Sinclair 2012). While Alvarez, Levin, and Sinclair conducted their research, they looked at different approaches and all of the different methods that were used. Some of the early studies used county-level election and census data to look at which demographic variables of voters were tied to use of certain methods of voting. With surveys, researchers are able to avoid inference problems from trying to explain individual tendencies from aggregate data (Alvarez, Levin, Sinclair 2012). Researchers have not been able to get complete accurate data from states on how many voters use different methods of voting because often then states will not keep track themselves or they will lump categories together and not make distinctions

among them. An example of this would be counting all absentee votes and votes cast early at a polling location all as absentee votes and not distinguishing the difference. In place of having actual numbers, researchers have had to use proxy measurements, and that is why national surveys are often the next best option.

However, in four states, more than 50 percent of voters said that they used the vote by mail option: Oregon (97 percent), Washington (86 percent), Colorado (61 percent), and Arizona (54 percent). In another 10 states, more than 20 percent of all ballots were cast by mail. Finally, five states had voters report that more than 50 percent voted in person before the election: Tennessee (63 percent), Texas (62 percent), Nevada (62 percent), North Carolina (53 percent), and New Mexico (52 percent). For their analysis, Alvarez, Levin and Sinclair (2012) used data from the 2008 Survey of the Performance of American Elections.

Of the people who do use in-person early voting, research finds that partisans are significantly more likely to utilize this option (Stein 1998, Stein & Garcia-Monet 1997). Voters that utilized the early voting options were better informed and were more engaged in a campaign (Gronke and Toffey 2008). Early voting for these partisans gives them the opportunity to work on the campaigns and get out the vote of other citizens on Election Day (Gronke and Toffey 2008). In addition, individuals that have a high interest in politics and strong ideological alignments are most likely to vote early-but they are also the voters that will show up in general to vote on Election Day (Giammo and Brox 2010). Alvarez, Levin, and Sinclair (2012) found that the voter with the highest probability of utilizing the early vote mode is greatest among liberal, well-educated, older, male, and strong partisan voters. The older voters are already at a higher risk of participation and

often have the time to go and vote early to avoid any lines on Election Day. Strong partisans as well are already the most likely to participate so they would have increased incentive to early vote and maybe volunteer for their preferred candidate on Election Day. For a voter that is well educated they would have the ability to learn any new technology or will do the research to figure out how elections are administered in their state.

Tolbert et. al (2008) examined eight different types of voting reforms in order to determine their effect on turnout. These eight types were mail voting, photo identification requirements, Election Day holidays, restrictions on felons voting, statewide computer registration database, in-person early voting, Election Day registration, and no-excuse absentee voting. Of these types of voting, increases in turnout were seen only in felon voting, and Election Day registration showed significant signs that they truly increased voter turnout over time. When keeping other variables constant, the felon voting law reforms produced a 1.8 percentage-point increase in turnout in states with only modest felon voting laws; and a 3.6 percentage-point increase when felons are given full voting rights (Tolbert et. al 2008). Looking at these numbers puts forth the idea that election reforms alone are not enough to increase turnout. There must also be structural changes in elections to improve competitiveness and give voters a reason to be involved and want to turn out to vote. Often looking at just changes in turnout in relation to determine the effectiveness of election reforms will not be enough to find causation. There always needs to be consideration of the political climate to ensure it is the election reform that is causing the turnout change.

Some research has shown that no-excuse absentee voting does not always translate to greater turnout and is instead only a convenience for the voters who face longer commute times when voting in person (Giammo and Brox 2010, Gronke 2008). Numerous studies have also shown that early voting does not increase the voter's likelihood of turning out across the board (Gronke 2008). Similarly, research by Giammo and Brox (2010) showed that any increase in voting is not long lasting and has a bit of a novelty feel when first introduced and that feeling will recede after the election. One study does show that the voting by mail method is the one type of convenience voting that has a positive impact on voter turnout (Gronke 2007). For some election administrators and politicians it does not matter who is early voting as long as the goal of increasing turnout is met. The other side may think that even if turnout is increased slightly, the benefit is not worth the extra cost incurred by the state. The more people that utilize early voting the fewer issues may appear on Election Day. Early voting can reduce the internal cost of voters on Election Day voting by cutting down on the long lines (Giammo and Brox 2010).

#### **Minority Electoral Participation and Voting Regulations**

Increasing turnout among all groups should be the goal of election reforms, but legislators need to make sure that the turnout is not being swayed in favor of the groups already turning out in the greatest number. With groups such as older individuals, whites, and more wealthy citizens, already making up a large percentage of the electorate, it is important to make sure election reforms are increasing the level of minority turnout to similar levels of other groups. Rigby and Springer (2011) look at variance in the demographic makeup of the electorate. They found that there is a predicted decrease in

the proportion of voters turning out among the poor after a state implements in-person early voting. This can possibly be explained by different mobilization efforts in states with early voting (Rigby and Springer 2011). There are some states that have an over representation of certain groups of people on the registration rolls while others have an under representation of some groups. This over or under representation of people means voter registration rolls have a preexisting bias toward different groups. Any of the inequality effects to registration are associated with preexisting bias in the state voter registration rolls when the electoral reforms are adopted (Rigby and Springer 2011). For example if the state's registration rolls has an equal amount of rich and poor citizens the registration reform enacted will have no effect. On the other hand, if the state has registration rolls that are skewed to one group the registration reform will have a more equalizing impact. In the case of having more rich voters registered than poor voters, a registration reform in a state with skewed rolls will mean the number of each group registered will be closer (Rigby and Springer 2011).

This effect of the bias has an even more significant impact in those states that have more stratified registration rolls (Rigby and Springer 2011). Conversely, other work has shown that all voting reforms across the board exacerbate the socio economic biases in the election system (Berinsky 2005, Berinsky et.al 2001, Hershey 2009). If the voter was already planning to vote then having the ballot sent to them and having more than just Election Day to fill it out means they will be more apt cast a ballot (Berinsky et. al 2001).

Whereas research has shown that some election reforms help increase the inequality in some reforms it is not the only answer research has found. There has been

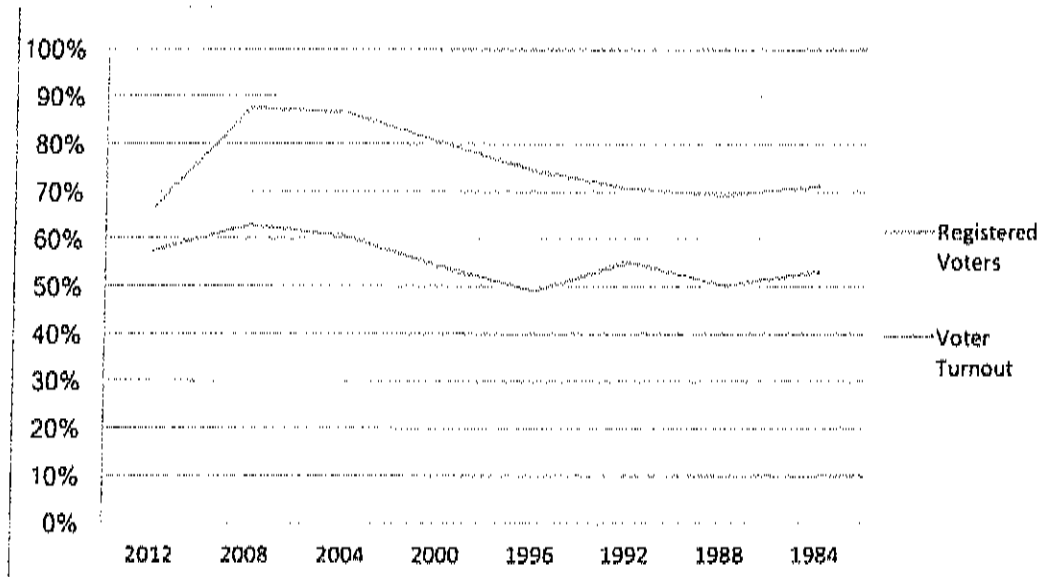


research that found the largest decrease in voting inequality has been observed when implementing Election Day registration in the states that already have a high registration bias (Rigby and Springer 2011). Motor voter laws do not produce as large a decrease in inequality as Election Day registration; but it is the only election reform that Rigby and Springer found that did decrease inequality (Rigby and Springer 2011). Election Day registration also did not show any improvement in equality among educational levels (Knack and White 2000). There is so much conflicting research that it is hard to know what really is happening. Findings can depend on anything from what years are being studied, is it looking at voters in the aggregate as opposed to voters on the individual level, or is it looking at only a few states as opposed to all states together. These different rates of participation across different research sets up this thesis and future research to look at how each reform affects turnout as well as the equality of the groups that are turning out across the country.

Graph 1 provides statistics on the total registered voters and voter turnout of all ethnicities. Graph 2 provides statistics on the reported voting turnout of different ethnicities. Finally, graph 3 provides statistics on the reported registered voters of different ethnicities.

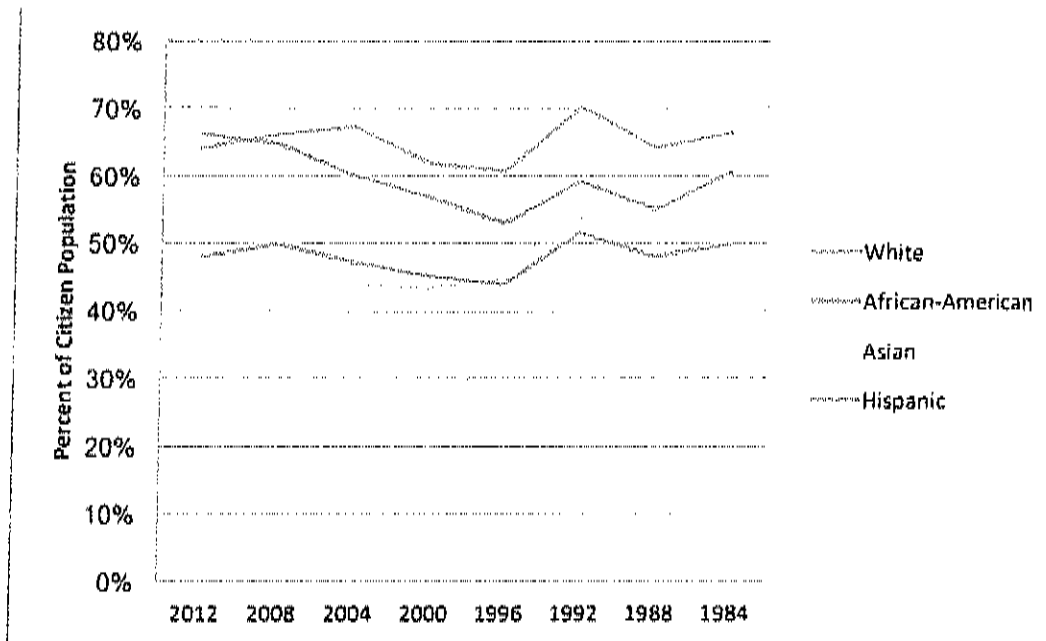
## Minority Groups Registration and Voting

**Graph 1. Total Registered Voters and Voter Turnout**

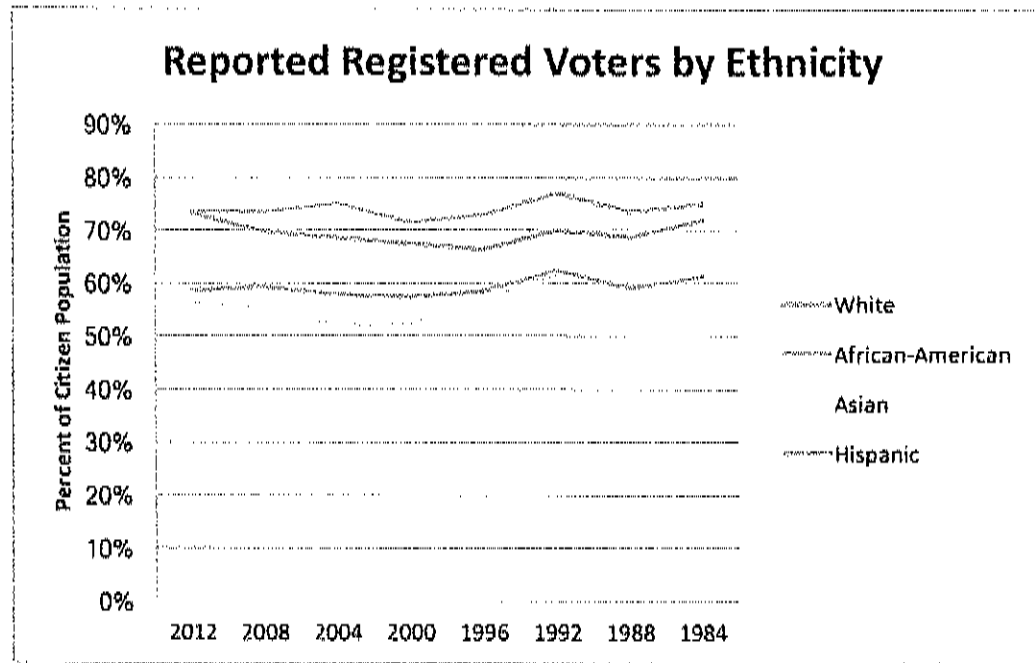


Source: Associated Press Election Research Group, George Mason University

**Graph 2. Reported Voting by Ethnicity**



Source: U.S Census Current Population Survey

**Graph 3. Reported Registered Voters by Ethnicity**

Source: U.S. Census Current Population Survey

As shown in the table above members of minority groups do not turnout to vote as much. It is important to try and get traditionally low participating groups to the polls where one can have the greatest impact. Previous research has been mixed on how election reforms affect minority populations and because of these conflicting results it is important to revisit and try and discover if new data helps to flesh out a more concise answer.

### Chapter 3

#### Data and Methods

In order to test the two hypotheses, I have collected state-level data from multiple sources between 2006 and 2014 and combined them into one dataset. The years 2006 to 2014 were chosen because they provided the most reliable and complete data.

Unfortunately, some variables were not readily obtainable for years prior to 2006 for every state. While it would have been great to get data for many more years, it does not seem that it would be necessary. Mostly, these extra years do not contain enough changes in voting laws for it to be worthwhile to analyze with the later years. The changes in voting laws really started being passed at an accelerated pace around 2010. Twenty-one states have passed some form of voting restriction legislation since 2010. With these changes happening over time, and not just in one specific year, the data is better able to show the long-term effects of any election changes.

The dependent variable in the analysis is the voter turnout in each state in each year. The turnout variable is titled Voter Eligible Population Turnout, and it represents an estimate of a person's eligibility to vote regardless of voter registration status in an election. Voting Eligible Population (VEP) is the most accurate and widely used form of turnout statistics, and for this data set, it was gathered from the United States Elections Project website which is run by Michael McDonald (McDonald, State Turnout Rates).

VEP has become the most used turnout measure for state-level analysis. Previous research used voting age population (Burnham 1982, 1985, 1987; Nie and Verba 1972; Piven and Cloward 1989, 2000; Rosenstone and Hanson 1993; Teixeira 1987; Mitchell and Wlezien 1995; and Wolfinger and Rosenstone 1980), but that was primarily due to

scholars not being able to find other options (Holbrook and Heidbreder 2010). Using voting eligible population removes the ineligible citizens that are counted when looking at voting age population. The citizens that are immigrants or felons that are not able to vote are not included in VEP turnout percentages. The alternative option is to use voting age population, but this measurement includes all citizens whether or not they are actually allowed to vote. For some states, the population of immigrants and felons can be very high and will in turn make the voting age population turnout statistic not accurate. As a result, McDonald's voting eligible population turnout statistics were used for this analysis.

The primary independent variable for testing my hypotheses is one measuring the restrictiveness of states voter identification laws. I specifically focus on the requirement that voters show photo identification in order to cast a ballot. This will consist of a three-point scale indicating real differences between each form of requiring photo identification and coded as 0 for no id required, 1 for any identification requested or required (no photo needed) including utility bills, and 2 for photo identification requested or required.

Using a three-point scale to classify photo identification laws is not the only way this has been measured in past research. In Larocca and Klemanski's (2011) analysis, they classify state's photo identification laws in four groups. These groups were; non-photo identification requested, non-photo identification required, photo identification requested and photo identification required. While it is understandable to want to analyze the non-photo identification variable by if the identification is requested or required, the requirement is not a stark enough difference to warrant making this distinction. To look at the photo identification variable on the three-point scale, it will show the results from

the distinct differences of not having a law at all, voting with non-photo identification, and a photo identification being involved. This also ensures there are enough cases in each category that any results will be more representative.

The major part of this thesis' analysis comes from interaction variables between key control variables. The photo identification variable is used in all of the interactions. The first interaction is between the photo identification laws in the state and the percentage of citizens that are white in the state. This variable has a low point of 22.7% in Hawaii in 2010 and a high point of 95.6% in Vermont in 2006. The second interaction measures the interaction between the photo identification law and the education variable (labeled, less than college). The United States Bureau of Census has kept a wealth of data on citizen's education levels. The analysis of this thesis looked at state's education levels and measured the percentage of the population with less than a completed college degree. Citizens that are poor or part of a minority make up a greater percentage of the people completing less than a college degree. With this in mind, it is important to see how the photo identification law affects these groups specifically. In West Virginia in 2006, 83.5% of the population had completed less than a college degree; making it the least educated state in the data set. Massachusetts in 2014 had 59.7% of its citizens completing less than a college degree; making this the most educated state in the data set. A third interaction analyzed photo identification and state median household income. State median household income numbers ranged from a low of \$37,173 in Mississippi in 2012 to a high of \$78,632 in New Jersey in 2006<sup>1</sup>. By using these interaction variables it

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<sup>1</sup> The bivariate correlation between education and income is -.756. Because it is above -.7 there is a strong relationship between the education and income variables.

allows this work to pinpoint very specific instances where these variables affect voter turnout, unlike past research that takes a broader view.

After covering some of the key independent variables, it is important to discuss the control variables that were also used in the analysis. For the control variables, data was gathered from the U.S. Census Bureau extensive data sets. The census does a complete count of citizens in the United States every 10 years, and because of this, the numbers for 2010 are exact counts and the other years are estimates based on these years. In this analysis, the first control variable is a measurement for minority speakers. This variable (Non-English Speakers) measures the percentage of citizens in the state that do not speak English as a majority in their home. The percentage of non-English speaking citizens was at its highest at 44.3% in California and at its lowest at 2.2% in West Virginia in multiple years as well.

Often voter turnout can also depend on if there is a presidential or governor's election (Panagopoulos 2011; Fraga and Hersch 2010). With this in mind, I created dummy variables for each type of election. The first was coded one if the state had a gubernatorial race that year and zero otherwise, and the second dummy was coded one if the year was a presidential election year and zero otherwise. This information was obtained from the New York Times website.

To ensure partisanship and unemployment were accurately measuring what they should, steps were taken to normalize these variables. Normalizing a variable is most useful when looking at measurements over the course of many years and trying to make sure nothing else is driving the variance. So for a state's partisanship, it may be

problematic to just use the percent of the vote that the Republican presidential candidate received each election. The issue is that part of what drives that number is how well the individual Republican candidate did that year. In other words, the idiosyncrasies of the individual election will play a part. In order to try and eliminate that, it is a better idea to look at how much more or less a state is Republican during that election, which is likely to be less dependent on the particular candidate or election year. To find this you subtract the overall national vote for the Republican candidate from the statewide vote for the Republican candidate. This will produce a scale that measures the partisanship of a state that is independent of how well any particular Republican presidential candidate did in a given year. Therefore, in the following models, partisanship is a scale that runs from -19.42% to 25.64%, where high numbers indicate a state that is more Republican in partisanship than the national percentage during the Presidential election, and low numbers indicate a state that less Republican in partisanship than the national percentage. The same normalizing was done for the state's unemployment rates. The national unemployment rate was used for the normalizing. The unemployment rate was at its highest in Nevada in 2010 at 13.5%, and was lowest in Hawaii in 2006 at 1.9%. These unemployment rates were found in the Bureau of Labor Statistics.

### Results

**Table 2. Effect of Voter Identification Laws from 2006 to 2014**

	Model 1	Model 2	Model 3
Photo Identification Law	.4832063 (.8999926)	2.59025 (4.519866)	117.5527 (73.12816)
Percent with Only a High	-0.155038	-.1481462*	.4826148



School Degree	(.2346879)	(0.0923121)	(1.577595)
State Median Household Income	.0001637 (.0000959)	.0001674* (.0000954)	.0005297 (.0018018)
Governors Election	1.205575 (.7797547)	1.233049 (.8027394)	1.248169 (.7649659)
Presidential Election	19.80164*** (.8288937)	19.81939*** (.844775)	19.87016*** (.7846147)
State Unemployment Percentage	.5184898 (.3748786)	.5217372 (.377856)	.5257602 (.3764883)
Percentage Female	-1.750524* (.8736805)	-1.749862* (.8775022)	-1.258634 (.9591702)
Percentage Non-English Speakers	-0.1623725 (.1080162)	-.1585539 (.1077257)	-.1976442 (.1127701)
State Partisanship	-0.2389816* (.0996675)	-.2383296* (.100824)	-.2348681* (.1015415)
Percent White	.1752128** (.0631778)	.2045322* (.0923121)	.1608245* (.0684857)
Photo Identification Law X White		-.0280824 (.064237)	
Photo Identification Law X Less than college			-1.583606 (.9935905)
Photo Identification Law X State Median Household			-.0016055 (.001184)

Income			
Photo Identification Law X			.0000216
Less than college X State			(.0000168)
Median Household Income			
Constant	122.545*	119.5376*	49.81826
	(57.42396)	(56.9875)	(113.2653)

\* =  $p < .05$ , \*\* =  $p < .01$ , \*\*\* =  $p < .001$

This study investigates the effects of election laws on individual turnout, specifically looking at voter identification laws. Table 2 presents results after estimating three OLS regressions. Model 1 is the basic model without any interactions. This is presented in order to provide a baseline from which to understand the results of Models 2 and 3. Only the Presidential Election variable was seen as significant at the .001 level in Model 1. When a Presidential Election is present, a state can expect that their voter turnout will increase 19 percentage points. Percentage of the state that is white is significant at the .01 level. As the percentage of the state that is white gets larger, the larger the turnout. Photo Identification Law, Percent with Only a High School Degree, State Median Household Income, Governors Election, State Unemployment Percentage, and Percentage Non-English Speakers variables did not show statistical significance. The percentage of females in the state was significant at the .05 level. The larger the proportion of the state that is female, the smaller the turnout will be. Also, state partisanship was significant at the .05 level. As the state becomes more Republican in their partisanship, the smaller the turnout will be.

Only examining Model 1 would result in the deduction that voter identification laws do not have any effect on voter turnout. Having no interactions in Model 1 makes it a broad view of variables that may affect turnout but therefore it does not explore the exact cross section of variables and types of people where the voter identification laws are having the most effect. I do not expect wealth areas to be effected, but the areas where people have fewer resources will be affected. The model without interactions lumps all areas together, which might hide the effect we expect to be seen in certain areas. If only one variable is examined, it can be easy to think there is no relationship to the dependent variable. If the variable is combined with another, it could show a relationship that could have been completely missed if not looked at further. A three way interaction model in particular is great at really drilling down and seeing what cross section of the variables will show which voters are most affected by requiring photo identification. With using dummy variables it will lump any differentiation in the variable together, but with the interaction it will separate out the differences and show exactly where the problem is. For example, a dummy variable of state median income will lump rich and poor states together, but in the interaction it will separate those states out and show the differences between those two different income groups.

In Model 2, having a presidential election was also significant in increasing turnout at the .001 level. Percentage of the state that is white is significant at the .05 level. As the percentage of the state that is white gets larger, the larger the turnout. The percentage of females in the state was significant at the .05 level. The larger the proportion of the state that is female, the smaller the turnout will be. Also, state partisanship was significant at the .05 level. As the state becomes more Republican in

their partisanship, the smaller the turnout will be. The coefficient of partisanship in Model 2 is  $-.2383$ . With the coefficient being negative, it means that as the state increases its percentage of citizens with Republican partisanship, their turnout will decrease  $.2383$  percent. The variable state partisanship measures how Republican the state is, and the coefficient of this variable within Model 2 means that every one percentage point increase in a state's Republican partisanship will result in a decrease of  $.24$  percentage points. Looking at Model 2 in Table 2, the coefficient for the interaction between photo identification and white shows that when the photo identification variable equals zero (not requiring an identification of any kind) and the larger the proportion of whites in the state, the larger the turnout will be. This result is opposite of the effect of the state partisanship. For every one-percentage point increase in the number of whites in a state voter turnout will increase  $.20$  percentage points. Photo Identification Law, Percent with Only a High School Degree, State Median Household Income, Governors Election, State Unemployment Percentage, and Percentage Non-English Speakers variables did not show statistical significance

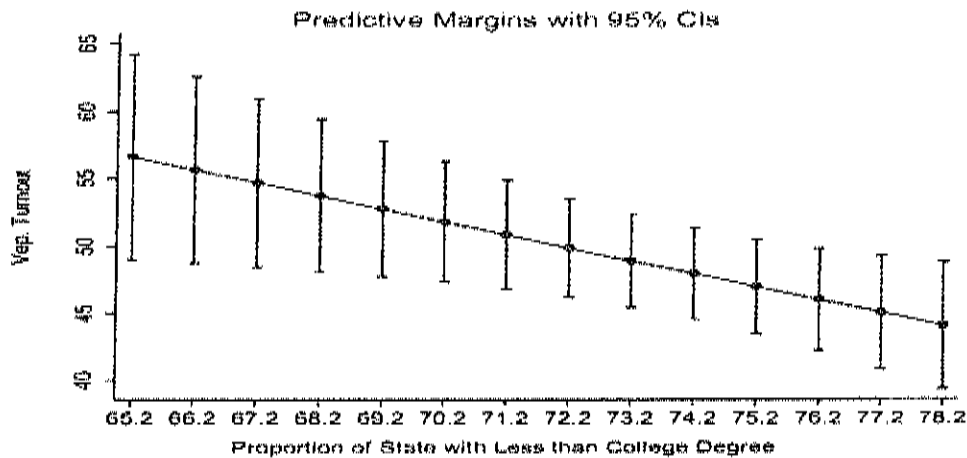
The biggest findings are seen in Model 3. Photo Identification Law, Percent with Only a High School Degree, State Median Household Income, Governors Election, Percent Female, State Unemployment Percentage, and Percentage Non-English Speakers variables did not show statistical significance. On the other hand, state partisanship was significant at the  $.05$  level. Just as in Model 1 and Model 2, as the state becomes more Republican in their partisanship, the smaller the turnout will be. Percentage of the state that is white is significant at the  $.05$  level. As the percentage of the state that is white increases, the larger the turnout. For this model, a three-way interaction between the voter

identification variable, percent of the state that has less than a college diploma, and the state's median household income was included. A three-way interaction variable helps to pin point the cross-section where a voter will be most affected by voter identification laws. In this case, it was to see what group of people is most affected by requiring photo identification in order to vote.

Interpreting two-way interactions can be challenging in the best circumstances, which makes the three-way interaction in Model 3 nearly impossible to fully understand from coefficients in a table like those found in Table 2. Therefore, I have included two figures that will allow me to isolate states with strict voter identification laws and then look at how turnout changes as either their aggregate education levels or aggregate income levels change. By looking at Figure 1, it is easier to see the three-way interaction is significant. The confidence intervals do not overlap in the figure. By not overlapping, there is a significant difference between the two estimates resulting in a decrease in turnout. When a state has about 65 percent of its people with less than a college degree, their turnout will be about 57 percent. When a state has about 78 percent of its citizens with less than a college degree, their turnout will be about 44 percent. That's a drop of 13 percentage points that is attributable to citizens with a lower education attainment living in a state that requires showing a photo identification to vote. For example, Indiana requires showing a photo identification, which Iowa does not. They both have similar overall educational attainment, with about 75 percent of their populations having a college degree. But because of the voter identification law in Indiana, one would expect Iowa to have about a 13 percent higher turnout rate than Indiana. Figure 2 shows that if the state does not require any identification to vote, there is no discernable statistically

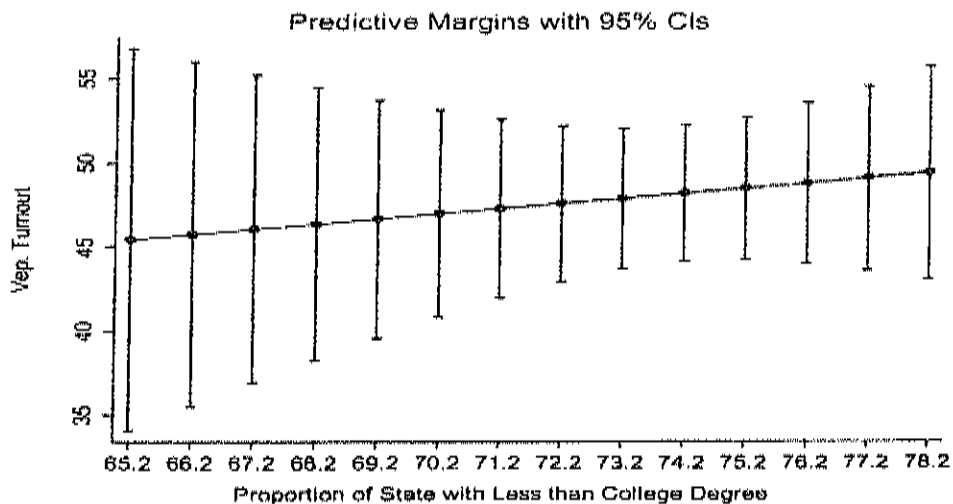
significant difference in turnout between voters with less than a college degree and a post graduate degree no matter the state they live.

**Figure 1. Effects on Election Turnout of Strict Voter ID Requirements with Higher Percentage of Lower Educated in the State**



Note: State level education from 90<sup>th</sup> to 10<sup>th</sup> percentile; Voter ID set to value of 2, and median state income set to \$44000, which is the 10<sup>th</sup> percentile.

**Figure 2. Effects on Election Turnout of No Photo Id Required with Higher Percentage of Lower Educated in the State**



Note: State level education from 90<sup>th</sup> to 10<sup>th</sup> percentile; Voter ID set to value of 2, and median state income set to \$44000, which is the 10<sup>th</sup> percentile.

### **Conclusion and Discussion**

I began this thesis discussing all the problems citizens could potentially come into contact with while registering, voting early, or voting on Election Day. The voting reform that has shown to be the toughest barrier for some citizens to overcome is when states require photo identification to vote. Different media sources have done a great job of reporting on the problems voters have encountered, as well as reporting on the tactics and laws that have been passed in hope of fixing the voting system in states across the country. These stories of the different problems included potential voters needing to take significant time to travel to a license branch to obtain a photo identification card or having to wait in lines for hours at the polling places. State legislatures have been trying to make their elections “more fair” but all have a differing opinion on what that means. With all of these differences, it presented an interesting empirical question to be studied further. The potential for these differences to cause groups of voters to be disenfranchised gives great reason to further investigate. States requiring photo identification to vote is the newest of the reforms and therefore had the greatest chance of really affecting turnout rates in some states.

The previous literature pertaining to election reforms affects on voter turnout has had mixed findings. These mixed findings made it good to further the study. For my analysis, I looked at all of the state laws passed from 2006-2014 that pertained to election reforms. In doing this I was able to ensure all of the election reforms were accounted for and coded accordingly. For the demographic variables, the Census datasets were utilized.

This thesis does confirm some of the previous research findings while also shedding light on where the previous research fell short. Hypothesis 1 (saying that in states with strict voter identification laws, the lower a state's aggregate education level, the lower voter turnout will be) was confirmed based on the analysis, while hypothesis 2 (saying that in states with strict voter identification laws, the larger the minority population the lower voter turnout will be) was not affirmed. Because of inconsistent results throughout the years, it can only be determined that this research will not answer the question about election reforms and turnout decisively enough to enact change based on its results, but instead will provide additional another piece of the puzzle and can help to further discussion of requiring photo identification to vote. This theses analysis was able to show that while voter turnout did not decrease in the aggregate due to a state having a strict voter identification laws, it did have an effect on voters in states with the strictest voter identification laws that had the lowest education levels. A state with a larger population of lower educated citizens could expect to see lower turnout if they required voters to have a government issued photo identification to cast a ballot. It is important that there does seem to be an effect on turnout for the lower educated group of voters. Even though most of the literature and popular new stories focus on how voter identification laws affect groups of racial minority voters, I was not able to find any indication of that in my analysis. The effect of requiring photo identification to vote seems instead to be more about the social class the voter is a member of than what race or ethnicity they identify with.

My analysis was hampered a bit based on the lack of data prior to 2004. The internet and online record keeping are becoming almost second nature to state



governments, and therefore finding all of the information needed will make further studies of election reforms less time-consuming and more accurate. By adding more cases, any analysis of election reforms will be strengthened and would allow the effects of new identification laws to settle a bit and see if the turnout of many groups is truly changed because of the law or if it is just an anomaly election year that does not truly explain overall turnout going forward.

It is really hard to say if there would be policy implications based on the results of this thesis. When passing these laws, it seems that political science literature is thrown out of the window in exchange for what the party in power thinks will help them get reelected. There are think tanks and organizations, such as The Brennan Center, which are dedicated to monitoring the effects of election reforms and putting forth recommendations on how to fix these problems. Right now election reforms are a hot button issue in many state governments and the media. It is my hope that this analysis will lend a hand to furthering the conversation on their effectiveness. Election reforms are an every evolving topic and can only be helped by continuous study to ensure there are no consequences that make voting exponentially tougher for specific citizens to exercise their civic duty of voting.

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## CURRICULUM VITAE

Jessica Taylor Rauch

### **Education**

Bachelor of Arts – Political Science  
Purdue University degree, earned at  
Purdue University-West Lafayette

Master of Arts – Political Science  
Indiana University degree, earned at  
Indiana University-Purdue University Indianapolis

### **Professional Experience**

Institutional Research Coordinator  
Indiana University-Purdue University Indianapolis  
April 2016-Current

Graduate Research Assistant  
Indiana University-Purdue University Indianapolis  
June 2014-April 2015

Warehouse Associate  
Amazon.com  
November 2011-August 2013

### **Conferences Attended**

Indiana Association of Institutional Research (INAIR) - Presented

END PAGE

Office of the Indiana Secretary of State of Indiana  
March 2, 2018 Public Meeting on Status of Voting Rights in Indiana – submission of  
comments and materials

## **Attachment F**

1. Correspondence from Brad King, Co-Director, Indiana Election Division and Dale Simmons, Co-Legal Counsel, Indiana Election Division concerning Spanish language versions of Indiana election guides, notices and forms.
2. 2018 Indiana Voter Information Guide (Spanish).
3. 2018 Indiana Voter's Bill of Rights (Spanish) (large format posted at each poll).
4. Indiana Voter ID Information (Spanish) (large format posted at each poll).
5. Indiana Voter Registration and other election forms (Spanish).
6. Federal Register Vol 76, No. 198 Department of Commerce Bureau of Census. Voting Rights Act Amendments of 2006, Determinations under Section 203.



**Bonnet, Jerry (SOS)**

---

**From:** King, Brad  
**Sent:** Monday, April 02, 2018 10:12 AM  
**To:** Bonnet, Jerry (SOS)  
**Cc:** Kline, Brandon; Simmons, Dale  
**Subject:** Re: CRC Indiana Advisory Committee report on voting rights

Jerry,

No, it is not. Every precinct in county in Indiana has a posted Spanish version of the Voter's Bill of Rights, while the website contains a voter information guide and other material in Spanish.

Likewise, according to the latest census bureau data, no Indiana county contains at least 5 per cent of persons whose primary language of fluency is Spanish, which is the threshold for requiring ballots and election material to be provided to voters who speak a language.

I have no information in the demographic information (as opposed to election information) referenced. The State Library Census Data Center would be a source for that.

Brad — J. BRADLEY King  
 Division 2 - Director  
 Indiana Election Division  
 Sent from my iPhone 317-232-3939

> On Apr 2, 2018, at 9:10 AM, Bonnet, Jerry (SOS) <jbonnet@sos.IN.gov> wrote:

>

> Gentlemen,

>

> I am working on some response comments to the CRC committee's public hearing last month. The Latino voting rights advocate (from Illinois) implicated that Spanish language voting instructions were not available in any Indiana counties - and that "a handful" of Indiana counties had at least 10% Latino voting eligible population.

>

> Is that accurate - comments?

>

> Thanks,

>

> Jerry B.

>

> Sent from my iPhone

**Bonnet, Jerry (SOS)**

---

**From:** Simmons, Dale  
**Sent:** Monday, April 02, 2018 10:34 AM  
**To:** Bonnet, Jerry (SOS); King, Brad; Kline, Brandon  
**Subject:** RE: CRC Indiana Advisory Committee report on voting rights  
**Attachments:** Sec. 203LangMinorityCoveredJurisdictions.pdf; ABS-IN PERSON (2018 revision Spanish version).pdf; VRG-7 (2014 revision) 2018 Spanish version.pdf; ABS-MAIL (2018 revision Spanish version).pdf; VRG-11 (2014) Spanish version.pdf; 14 - 2018 Photo ID Chute Poster Spanish.pdf; 21 - 2018 Voters' Bill of Rights - Spanish.pdf

Jerry,

Many "Latinos" (a person of Latin American origin or descent) are proficient in English. Perhaps the advocate means that there are 10% who are not proficient in English and that materials are required to be provided in Spanish?

In any event, language minorities are measured by the census to a standard set forth in Section 203 of the Voting Rights Act and language minority jurisdictions are certified by the Director of the Bureau of the Census. The standard set forth in that Act as well as the jurisdictions certified by the Director are set forth in the Federal Register (see attached).

Indiana had no county that met the 5% threshold described in this law for any language minority.

That said, Indiana does provide Spanish language forms and publications (see attached) for use by our office as well as counties. We post voter registration and absentee forms in Spanish on indianavoters.com (<https://indianavoters.in.gov/MVPHome/PrintDocuments>).

Dale R. Simmons  
Co-General Counsel  
Indiana Election Division  
(317) 232-3929  
(800) 622-4941  
Fax (317) 233-6793  
[www.in.gov/sos/elections](http://www.in.gov/sos/elections)

-----Original Message-----

**From:** Bonnet, Jerry (SOS)  
**Sent:** Monday, April 02, 2018 9:11 AM  
**To:** King, Brad <bking@lec.IN.gov>; Kline, Brandon <BrKline@sos.IN.gov>; Simmons, Dale <dsimmons@iec.IN.gov>  
**Subject:** CRC Indiana Advisory Committee report on voting rights

Gentlemen,

I am working on some response comments to the CRC committee's public hearing last month. The Latino voting rights advocate (from Illinois) implicated that Spanish language voting instructions were not available in any Indiana counties - and that "a handful" of Indiana counties had at least 10% Latino voting eligible population.

Is that accurate - comments?

### Boletas provisionales

### Hotels provisionales

EE kogu peeti loomulikult ka maa omandusega seotud küsimuste lahendamiseks, milleks oli vaja luua riiklikult määratletud ja rahaliselt tagatud koostöö mehhanismid, mis võimaldaksid riigil ja kohalikel omavalitsustel teha koostööd, et saavutada riiklike ja kohalike omavalitsuste ühiseid eesmärke.

- [illegible]

Si invierte más en vehículos más baratos (por ejemplo, hacia el cuadrante D) las mejoras de los directores. Dado el D de mayor peso, los directores ganarán el 2 de mejora y bajarán el 1 de los directores. Por los efectos ganarán el 1 de los estudiantes y por el mismo los directores perderán el 1 de los estudiantes. Como resultado, los directores perderán el 1 de los estudiantes y ganarán el 1 de los estudiantes. Los directores perderán el 1 de los estudiantes y ganarán el 1 de los estudiantes. Los directores perderán el 1 de los estudiantes y ganarán el 1 de los estudiantes.

### Recursos electorales

### Campesin, en la batalla electoral

**Elecciones primaria de 2018:** Los partidos principales nombraron a los candidatos para los siguientes cargos:

### Cargos oficiales de la ciudad

[illegible]

Terceros del municipio, Efectuado del municipio. Muestra de la lista del municipio y en el Consulado de México, lista del municipio de los datos anteriores y Adjuntos del municipio.

Atendiendo a los argumentos, la mayoría de la ciudad y partes de la ciudad en las  
cuales que han elegido a los candidatos, o elegir a todos los funcionarios de la  
la ciudad durante 2012.

Departamento de la Comunicación Social del Partido Propagandístico, del Partido  
Chiriquí, etc.

**Elecciones generales de 1981** Los candidatos son elegidos para los si-

Հիշեցնում ենք ձեր ևս ընդունում

[illegible]

Manuscrito del apuntamiento, fragmentos de la copula y primer folio de la entrada de los  
 indios que han estado en el mundo, a elegir a todos los portugueses de  
 la ciudad de Lisboa 1618

Los votantes se refieren sobre la ratificación de una constitución constitucional y total en México, la ratificación de poderes de aplicación estatales o poderes locales, y otros.

Patricia Ann  
 Kathryn Thomas Dwyer (1940-1994) was the  
 daughter of the late  
 J. Bradley King & Angela M. Dwyer  
 402 West Commonwealth Street, #204  
 Birmingham, AL 35204  
 205-322-9941, 311-994041  
 13001-1001-1044  
 13001-1001-1044  
 13001-1001-1044

National Hwy Authority Vets. Adv. Office, 10000  
 National Hwy Authority Vets. Adv.  
 100 West Washington, Suite 201  
 Washington, DC 20544  
 800-368-5878  
 202-368-5878  
 HAVANA@NHA.NHA.GOV

# Guía informativa para el Votante de Indiana—2018



Wahlberechtigte sind: **Wahlberechtigte sind:**  
 8. März 2014 2. März 2014

Visit [www.HealthWatch.com](http://www.HealthWatch.com) for more information.



## Generalidades del voto

## Requisitos del voto

- [illegible]

**Para registrarse por sí mismo, el propietario debe proporcionar información sobre la fecha y el tipo de sustrato a cumplir el formulario VUE-9 descrito abajo a los cuadros correspondientes con las placas indicadas y consideraciones:**

### Calendario electoral

- 09 de abril de 2018: Cierre la inscripción de voluntarios para las elecciones primarias del 2018.
- 14 de abril de 2018: El PUSB da la bienvenida a los miembros en proceso para las elecciones primarias del 2018.
- 30 de abril de 2018: Pasa la hora de las elecciones de los voluntarios de la noche por correo a los resultados para las elecciones primarias del 2018.
- 04 de mayo de 2018: Día de las elecciones primarias.
- 06 de octubre de 2018: Se abre el 30 de octubre el día de votar para las elecciones primarias del 2018.
- 10 de octubre de 2018: Pruebas de los 30 de octubre en el momento en que para las elecciones generales del 2018.
- 28 de noviembre de 2018: El día final para la inscripción de los miembros para la inscripción para las elecciones generales del 2018.
- 01 de diciembre de 2018: Día de las elecciones generales.
- Las elecciones de los miembros de la noche por correo como fondo de la inscripción de los miembros de la noche de las elecciones de los voluntarios para las elecciones primarias del 2018.

## Additional Information

- **Se otorga el voto** a los propietarios de acciones o a los titulares de un poder de voto. Para votar por Internet visite [www.tollfreevoter.com](http://www.tollfreevoter.com) o llame al **Hotline Voter Helpline al 1-866-741-VOTE (366-381-8672)**.
- **Se otorga una compensación** a los miembros elegidos y a los de los ayuntamientos, congresistas y con la oficina del secretario de los partidos del condado o el municipio de la corte del elector. Los trabajadores electorales con compensación por su trabajo, la cual varía de acuerdo al condado. Los permisos de 16 y 17 días de cada elección pueden estar otorgados a una

## Identificación fotográfica

### **Instrucción fotográfica**

Exemplos de propriedades identificadoras singulares analisadas por el glosariu antes de emilitar as unhas, recopilaes en enca de unhas sinxelas por correo e posta de viño. La 1<sup>a</sup> deba igualar las vindeiras colectivas.

- Se ID debe incluir en fotografía
- Si no se incluye en la identificación debe acreditarse con un registro de votante
- El documento NO es válido que sea idéntica a un documento de un extranjero  
ejemplo de nombres que coinciden con "Robert John Crow":

- |                  |                 |
|------------------|-----------------|
| * Robert J. Crew | * Bob John Crew |
| * Robert J. Crew | * Bob John Crew |
| * Robert Crew    | * John Crew     |
| * R. John Crew   | * John Crew     |
| * R. J. Crew     | * J. Crew       |
- \* See 10-14-1976 issue for text of the constitution and its amendments and for a definition of the original members of the faculty of the various elections groups who were members of the faculty of the various elections groups.
- \* The various amendments contained in the various issues of the constitution and the various amendments contained in the various issues of the constitution are acceptable.
- \* See 10-14-1976 issue for text of the constitution and its amendments and for a definition of the original members of the faculty of the various elections groups who were members of the faculty of the various elections groups.

En la mayoría de los casos, una licencia de construcción de edificio, tarjeta de identificación corporativa de trabajo, identificación militar o matriculación de los Estados Unidos de cualquier tipo otorgados por el gobierno federal, como un pasaporte de los Estados Unidos, sirven para el fin.

23. *estados no-jurisdiccionales* (en el ámbito geográfico) son *territorios* sometidos a una soberanía extranjera, en donde pueden o no haber una *boleta* jurisdiccional. Si existe (en su caso) una *boleta* provincial, este territorio es *jurisdiccional* (lo que depende de la *elección* para ejercer su *competencia* entre la *junta* electoral del *cantón* y la *competencia* de la *jurisdicción* nacional o al menos de la *competencia* de la *ley* que lo constituye, a su vez).

Existen tres niveles para los indígenas, aquellos con una religión religiosa para ver la vida física y los materiales que están en sus cuerpos, sus necesidades y el estado donde habitan y la universal de destino eterno).

Así como no todas las identificaciones fisiológicas de un individuo pueden obtenerse sólo a través de identificaciones morfológicas de huellas en forma positiva en cualquier oficina del Bureau of Motor Vehicles que entre ellas se pueda encontrar y registrar la identificación.

For a complete new introduction, visit [www.Photodisc.com](http://www.Photodisc.com) or 800-441-0411: 333-0410

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### Votación en ausencia

Como volante regulador en trabajos más delicados para evitar el exceso de  
aproximación en el funcionamiento de la máquina eléctrica al del conducto común cuando se  
de la potencia eléctrica.

Para poder votar en su cédula por escrito, debe corresponder uno de los siguientes nombres:

- [illegible]

Arceuthobium

La ley exigió requisitos que los sitios de votación y las agrupaciones electorales sean accesibles a los ciudadanos discapacitados. Si no se encuentran disponibles para estos usuarios se creó a algunas que lo están (que ya no se agrupaban ni oficialmente reconocidas) o se trasladaron electores de cada posible posición principal o una alternativa para la votación.

El único defecto que puede ser de alguna importancia en el uso de este tipo de papel es el hecho de que el papel no es resistente al agua y al aceite, por lo que no puede ser utilizado en ambientes húmedos o grasosos. Sin embargo, este tipo de papel es muy adecuado para el uso en oficinas y en el hogar, donde se requiere un papel de buena calidad y a un precio razonable.

Los comicios están abiertos de 6:00 de la mañana a 6:00 de la tarde, hora local

de novembro de 2017  
 Última revisão: Novembro de 2017



## AVISO IMPORTANTE A LOS VOTANTES:

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Después que usted entre al sitio electoral, la ley estatal requiere que muestre una **identificación fotográfica** antes de firmar la lista electoral y emitir un voto.

Si no tiene su identificación fotográfica consigo puede entrar a este sitio electoral y votar por "boleta provisional".

Su identificación fotográfica debe cumplir con los siguientes requisitos:

1. **Mostrar su nombre** que debe cumplir con el nombre de su registro de votante; (conformarse NO significa idéntico)
2. **Mostrar su fotografía;**
3. **Incluir una fecha de caducidad** indicando que el documento aún no ha caducado (o vencido *después* del 8 de noviembre de 2016, la fecha de las últimas elecciones generales), con excepción de ciertas identificaciones militares de veteranos; y
4. Ser emitidos por los **Estados Unidos de América** o el **Estado de Indiana**.

**Nota:** La dirección de su identificación fotográfica NO tiene que coincidir con la dirección de su registro de votante.

### VERIFIQUE AHORA MISMO PARA ASEGURARSE DE QUE USTED TIENE SU IDENTIFICACIÓN FOTOGRÁFICA CONSIGO

Suministrado por Indiana Secretary of State (Secretario del Estado de Indiana) e  
Indiana Election Division (División Electoral de Indiana)  
Revisión Noviembre de 2017




**SOLICITUD DE VOTO EN AUSENCIA POR CORREO ÚNICAMENTE**  
 Formulario del Estado 53368 (R14 / 10-17) Indiana Election Division (IC 3-11-4-2; 3-11-4-5.1, 3-11-10-24)

Para las elecciones del \_\_\_\_/\_\_\_\_/2018

(ABS-POR CORREO)

**INSTRUCCIONES:** Completar y devolver la solicitud de modo que sea recibida por la junta electoral del condado por lo menos 8 días antes del día de las elecciones. **PLAZOS DE ENTREGA:** Para las Elecciones primarias del 6 de mayo de 2018, el plazo de entrega para que el condado RECIBA es el 30 de ABRIL de 2018 ANTES DE LAS 11:59 p.m. Para las Elecciones generales del 6 de noviembre de 2018, el plazo de entrega para que el condado RECIBA es el 29 de OCTUBRE de 2018 ANTES DE LAS 11:59 p.m. PUEDE ENVIARSE POR CORREO, FAX O ENTREGADA PERSONALMENTE. NO ENVÍE ESTE FORMULARIO POR CORREO ELECTRÓNICO. Si usted recibe esta solicitud completada de un votante deberá presentar la solicitud completada con el condado o Indiana Election Division antes del mediodía, 10 días después de haberla recibido o antes del plazo de entrega del voto en ausencia, whichever occur first. Usted deberá suministrar la fecha en la que recibió la solicitud completada en el casillero 5.

Condado de residencia:

**1. INFORMACIÓN SOBRE EL SOLICITANTE DEL VOTO EN AUSENCIA**

Nombre (por favor en letra de molde o imprenta) \_\_\_\_\_ Fecha de nacimiento (mm/dd/aa) \_\_\_\_\_ Urnos cuatro dígitos del número de Seguro Social (Completar este casillero en optativa.) ☐ No tengo un número de Seguro Social

Cambio de nombre (Si usted cambió su nombre desde que se registró para votar, por favor escriba en letra de molde su NOMBRE ANTERIOR para autorizar una actualización de su registro del votante)

Dirección del registro (número y calle) \_\_\_\_\_ Ciudad/Pueblo, Estado, Código Postal \_\_\_\_\_ Teléfono (opcional) \_\_\_\_\_

**2. DIRECCIÓN POSTAL DE ENVÍO DEL VOTO AUSENTE (Por favor envíelo por correo al voto ausente para la elección a esta dirección si es distinta a la dirección del registro.)**

Dirección postal (número y calle) \_\_\_\_\_ Ciudad/Pueblo, Estado, Código Postal \_\_\_\_\_

**3. ELECCIONES PRIMARIAS ÚNICAMENTE**

De acuerdo con la ley del estado, usted debe solicitar una boleta electoral de un partido político importante para votar en una elección primaria. Usted puede votar sobre una pregunta pública sin votar una boleta electoral del partido político, si un referéndum (pregunta pública) se lleva a cabo el mismo día de las elecciones primarias. Yo solicito el voto del partido político, una mayoría de cuyos candidatos por los que he votado durante la última elección general o por quien tengo intención de votar en las próximas elecciones generales:

☐ PARTIDO DEMÓCRATA ☐ PARTIDO REPUBLICANO ☐ No deseo votar en las primarias de ninguno de los partidos pero deseo votar sobre una ☐ PREGUNTA PÚBLICA ÚNICAMENTE

**4. RAZÓN PARA VOTAR UN VOTO EN AUSENCIA POR CORREO**

- ☐ Tengo una expectativa específica, razonable de estar ausente de un condado el día de las elecciones durante las 12 horas completas en que los comicios están abiertos.
- ☐ Estoy restringido a mi residencia, una institución para el cuidado de la salud, o a un hospital debido a una enfermedad o lesión durante las 12 horas en que están abiertos los comicios.
- ☐ Estoy cuidando a una persona restringida a una residencia privada debido a una enfermedad o lesión durante las 12 horas en que están abiertos los comicios.
- ☐ Soy un votante discapacitado. NOTA: Si usted no puede hacer una marca en la boleta o firmar el sobre de seguridad de la boleta deberá comunicarse con la junta electoral del condado para procesar su solicitud.
- ☐ Soy un votante de 65 años de edad como mínimo.
- ☐ Tendré ocupaciones relacionadas con las elecciones oficiales fuera de mi distrito electoral.
- ☐ Tengo programado trabajar en mi sitio usual de empleo durante las 12 horas completas en que los comicios permanecen abiertos.
- ☐ No puedo votar en los comicios personalmente porque observo una disciplina religiosa o soy un día festivo religioso durante las 12 horas completas en que los comicios permanecen abiertos.
- ☐ Soy un votante elegible para votar de acuerdo con los procedimientos "fast-track" en IC 3-10-11 a 3-10-12.
- ☐ Soy miembro de las fuerzas armadas o un oficial privado de seguridad.
- ☐ Soy un "delincuente sexual grave" (según se define en IC 35-42-4-1(a)).
- ☐ No puedo votar debido a la falta de disponibilidad de transporte a las urnas.

Comuníquese con la junta electoral de su condado si desea votar por voto ausente personalmente en el condado o frente a una junta de viajes; si usted desea que su poder notarial efectúe la solicitud por usted o se encuentre en el Programa de Confidencialidad del Fiscal general.

Juro o afirmo bajo las multas por perjurio que toda la información descrita en esta solicitud es verdadera a mi mejor saber y entender. El perjurio es punible por encarcelamiento de hasta 2 años y medio, una multa de hasta \$10,000, o ambos.

Firma del votante (o la persona designada para firmar por las votantes con discapacidades que no es capaz de firmar) \_\_\_\_\_ Fecha de la firma (mm/dd/aa) \_\_\_\_\_

NOTA: 5. SI USTED RECIBIÓ ESTA SOLICITUD COMPLETADA DEL VOTANTE, ESCRIBIR LA FECHA EN QUE FUE RECIBIDA: \_\_\_\_/\_\_\_\_/20

**6. INFORMACIÓN DE LA PERSONA ASISTENTE DEL SOLICITANTE DEL VOTO POR AUSENCIA**

Nombre (por favor en letra de molde o imprenta) \_\_\_\_\_ Fecha de nacimiento (mm/dd/aa) \_\_\_\_\_ Teléfono (día) \_\_\_\_\_ Teléfono (noche) \_\_\_\_\_

Dirección del registro (número y calle) \_\_\_\_\_ Ciudad/Pueblo, Estado, Código Postal \_\_\_\_\_ Dirección postal (si es distinta a la dirección de la residencia) \_\_\_\_\_ Ciudad/Pueblo, Estado, Código Postal \_\_\_\_\_

Juro o afirmo bajo las multas por perjurio que soy el empleador del votante, un oficial de la unión del votante, o un agente del empleador o sindicato del votante y tengo conocimiento o razón para creer que la persona que entrega la solicitud: (1) es elegible para votar o efectuar un voto en ausencia o (2) no completó y firmó correctamente la solicitud.

Firma de la persona asistente del votante con la solicitud \_\_\_\_\_ Fecha de la firma (mm/dd/aa) \_\_\_\_\_

**PARA USO EN LA OFICINA ÚNICAMENTE**

Fecha (mm/dd/aa) \_\_\_\_\_ Distrito electoral \_\_\_\_\_ ¿El solicitante tiene requerido suministrar documentación adicional a la oficina del registro del votante del condado pero aun no lo ha hecho? ☐ Si ☐ No



**SOLICITUD DE REGISTRO PARA EL VOTANTE DE INDIANA**  
Formulario del Estado 54509 (R8 / 10-17)  
División Electoral de Indiana

(VRG-7)

Para información sobre las elecciones ver: [www.indianavoters.com](http://www.indianavoters.com)

Usted puede usar esta solicitud para: Efectuar la solicitud para el registro del votante en Indiana o cambiar su nombre y dirección en su registro o transferir su registro si se muda de su distrito electoral.

Para registrarse usted debe: Ser un ciudadano de los Estados Unidos de América, tener 18 años de edad, como mínimo, el día de la próxima elección general o municipal; haber vivido en su distrito electoral durante 30 días, como mínimo, antes de las próximas elecciones y no estar encarcelado actualmente después de haber sido encontrado culpable por un delito.

Si usted está registrándose para votar en Indiana por primera vez y envía esta solicitud por correo tendrá que suministrar documentos adicionales sobre la residencia antes de votar. Si el condado puede igualar su número de tarjeta de conductor o seguro social con un registro identificatorio existente de Indiana que posea el mismo número, nombre y fecha de nacimiento que usted suministre en la solicitud entonces ha cumplido con el requisito. Usted también puede cumplir con este requisito suministrando una prueba de residencia con esta solicitud o en cualquier momento hasta el día de las elecciones. La prueba de residencia puede cumplirse presentando: (1) una COPIA de su identificación fotográfica válida y actualizada o (2) una boleta de servicios públicos actual, estado bancario, cheque del gobierno, cheque de sueldo o documento del gobierno mostrando su nombre y dirección a la dirección que usted suministró en esta solicitud. Por favor no envíe los originales. Cubra cualquier información relacionada con la cuenta con un marcador permanente.

**COMPLETAR TODOS LOS CASILLEROS CORRESPONDIENTES CON TINTA AZUL O NEGRA. NO ENVIAR EL FORMULARIO POR FAX O EMAIL DESPUÉS DE COMPLETARLO.**

Enviar por correo o entregar personalmente la solicitud completada a su oficina de registro del condado (las direcciones se encuentran al reverso de este formulario) o al Indiana Election Division (División electoral de Indiana).

Casillero 4: Dirección de la residencia; Escribir en letra de imprenta (print) la dirección donde usted vive. Si su dirección es una ruta rural, incluir el número de buzón (caja postal). Si su residencia no tiene una dirección o número de calle, escriba una descripción breve de su ubicación en el Casillero 4 o anexe un mapa.

Casillero 10 u 11: Si usted marca "no" respondiendo a cualquiera de las preguntas en los Casilleros 10 u 11, no complete este casillero.

Casillero 12: Número de identificación del votante: Se requiere que usted suministre su número de licencia de conductor de Indiana como fue emitida por el Indiana Bureau of Motor Vehicles. Si usted no tiene una licencia de conductor de Indiana, suministre los últimos cuatro dígitos de su número de seguro social. Si usted no tiene un número de licencia de conductor de Indiana ni un número de seguro social deberá indicar "Ninguno".

Casillero 14: Esta solicitud no puede procesarse sin la firma original del votante en esta sección.

Vencimiento de la solicitud: Esta solicitud deberá estar sellada o entregada personalmente a la oficina del registro para el votante de su condado antes de los 29 días precedentes a la próxima elección. Si usted no cumple con esta fecha de vencimiento su solicitud será procesada cuando se reabra el registro.

Casillero 15: Si usted o Indiana Election Division no presentan esta solicitud a la oficina de registro para el votante de su condado, la persona que acepte la custodia de la solicitud (con excepción de un miembro del mismo grupo familiar) deberá completar esta certificación antes de presentar la solicitud a la oficina de registro para el votante del condado o al Indiana Election Division antes del mediodía 10 días después del recibo o la fecha de vencimiento de la solicitud, cualesquiera ocurra primero.

**Aviso de reconocimiento:** Se le enviará un aviso de parte de la oficina para el registro del votante de su condado reconociendo el recibo de su solicitud. El aviso le informará si su solicitud ha sido aprobada por la oficina para el registro del votante del condado. Si su solicitud está incompleta se le pedirá información adicional. Si usted no recibe un aviso dentro de los 30 días de la presentación de esta solicitud, comuníquese con la oficina para el registro del votante de su condado.

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, IN 46204-2743  
Teléfono: (317) 232-3939  
Número gratuito (Indiana únicamente): (800) 622-4941  
[www.in.gov/ies/elections](http://www.in.gov/ies/elections)

**RECIBO DEL SOLICITANTE DE LA PERSONA QUE ACEPTA LA CUSTODIA DE UN FORMULARIO COMPLETADO PARA EL REGISTRO DEL VOTANTE**  
(no un recibo del condado con el propósito del registro del votante)

**NOTA:** Si usted acepta un formulario completado de otra persona, para poder presentar su registro para que sea tomado en cuenta, usted deberá presentar el formulario completado a la oficina para el registro del votante de su condado o al Indiana Election Division antes del mediodía 10 días después del recibo o la fecha de vencimiento de la solicitud, cualesquiera ocurra primero.

Yo acepto custodia de esta solicitud completada el \_\_\_\_\_/\_\_\_\_\_/20\_\_.

Por favor separar y entregar el recibo de arriba al solicitante si usted está aceptando custodia de una solicitud completada.

1	Marcar los casilleros que corresponden: <input type="checkbox"/> Nuevo registro <input type="checkbox"/> Cambio de dirección (Ver Casillero 6) <input type="checkbox"/> Cambio de nombre (Ver Casillero 13)	2	Condado de Indiana donde usted vive:	PARA USO DEL CONDADO ÚNICAMENTE	Fecha de procesamiento	Municipio/ Distrito electoral	Número de rastreo del condado
3	Sexo: <input type="checkbox"/> Femenino <input type="checkbox"/> Masculino Apellido	Primer nombre		Segundo nombre o inicial		Sufrío Jr. Sr. II III IV	
4	Dirección de la residencia (No número de caja postal) si no hay dirección escriba una breve descripción o anexe un mapa.		Número de apartamento	Ciudad / Pueblo	Estado IN	Código postal	
5	Dirección postal, si es distinta a la del Casillero 4, si es la misma, escriba "MISMA"		Número de apartamento	Ciudad / Pueblo	Estado	Código postal	
6	Dirección anterior del registro del votante		Condado	Número de apartamento	Ciudad / Pueblo	Estado	Código postal
7	Fecha de nacimiento (mm/dd/aa)		Número de teléfono (Opcional)		E-mail (Opcional)		
10	¿Usted es un ciudadano de los Estados Unidos de América? <input type="checkbox"/> SI <input type="checkbox"/> No	11	¿Tendrá 18 años de edad como mínimo el día o antes del día de la elección? <input type="checkbox"/> SI <input type="checkbox"/> No	12. Establecer un Número de identificación del votante. El solicitante debe suministrar un número o indicar "Ninguno". Suministrar sus 10 dígitos del número emitido de licencia de conductor de Indiana. Si usted no tiene una licencia de conductor de Indiana entonces suministre los últimos 4 dígitos de su número de seguro social aquí. Si usted no tiene ninguno de ellos, marque "Ninguno". <input type="checkbox"/> Número de licencia de conductor de Indiana o Número de tarjeta de identificación del Bureau of Motor Vehicles <input type="checkbox"/> Últimos 4 dígitos del número de Seguro Social <input type="checkbox"/> Ninguno			
13	Si usted cambió su nombre ¿cuál era su nombre antes del cambio? Si usted no cambió su nombre no responde a esta pregunta.		Apellido	Primer nombre		Segundo nombre o inicial	
14. Autorizo mi registro de votante en cualquier otra dirección a ser cancelado. Juro o afirmo que: • Soy un ciudadano de los Estados Unidos de América. • Tendré 18 años de edad, como mínimo, en las próximas elecciones generales o municipales. • Hebre vivido en mi distrito electoral durante 30 días, como mínimo, antes de la próxima elección. • No estoy actualmente en prisión después de haber sido condenado por un delito. • Toda la información arriba señalada y todas las otras declaraciones en este formulario son verdaderas. Entiendo que si firmo esta declaración sabiendo que no es verdadera estoy cometiendo perjurio y puedo ser multado hasta \$10,000, encarcelado hasta tres años o ambas. Firma del solicitante				15. DECLARACIÓN DE ACEPTACIÓN CERTIFICADA A ser completada por una persona que acepte la custodia de la solicitud completada antes de presentarla a la oficina para el registro del votante del condado o al Indiana Election Division. No corresponde a una persona que acepte un formulario del miembro del grupo familiar. Afirmo bajo juramento por perjurio que he aceptado la custodia de esta solicitud completada del solicitante el (insertar fecha): ____/____/20__ Nombre en letra de molde Dirección de la residencia Firma			
Nombre		Dirección		Número de teléfono (Opcional)			

Si usted acepta un formulario completado de otra persona deberá suministrarlo a la oficina para el registro del votante del condado o al Indiana Election Division antes del mediodía 10 días después del recibo o vencimiento del registro, cualesquiera ocurra primero.

54509





# SOLICITUD DE VOTO EN AUSENCIA EN PERSONA ÚNICAMENTE

Para las elecciones del \_\_\_\_/\_\_\_\_/20\_\_

(AUS-EN PERSONA)

Formulario del Estado 53389 (R12 / 10-17); Indiana Election Division (IC 3-11-4-2; 3-11-4-5.1; 3-11-10-28; 3-11-10-26.3)

## PARA USO DE LA JUNTA ELECTORAL DEL CONDADO ÚNICAMENTE

Distrito electoral	DOCUMENTACIÓN ADICIONAL	¿El solicitante tiene que suministrar documentación adicional sobre la residencia a la oficina del registro del votante del condado pero aún no lo ha hecho? <input type="checkbox"/> Sí <input type="checkbox"/> No
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### INSTRUCCIONES PARA EL VOTANTE: El votante (o persona asignada por el votante con discapacidades que no puede firmar) debe FIRMAR la solicitud abajo presentada.

Si usted está solicitando como el apoderado especial del votante deberá anexarse una copia del poder notarial a esta solicitud. Si usted no tiene un apoderado especial y está discapacitado físicamente para firmar la solicitud, llame a la Junta electoral del condado para recibir asistencia. Algunos votantes que se han registrado por primera vez en Indiana, y lo hicieron por correo, tienen el requerimiento de suministrar documentos adicionales de residencia. La Junta electoral del condado le puede informar si esto le corresponde a usted. Esta solicitud se usa para votar en persona en una oficina del circuito judicial (u oficina satélite), o la oficina de la junta de elecciones y registro. Si se le solicita que se le envíe por correo un voto en ausencia, use el formulario AUS-CORREO. Si usted es un votante restringido que solicita se le envíe un voto en ausencia, use el formulario AUS-JUNTA DE VIAJES. Si usted es un miembro del programa de confidencialidad de la dirección del Fiscal general, use el formulario AUS-FISCAL GENERAL. Si usted es un votante que se encuentra en el exterior o es parte de los servicios uniformados (fuerzas armadas), use el formulario FPCA.

### 1. INFORMACIÓN SOBRE EL SOLICITANTE DEL VOTO EN AUSENCIA

Nombre (por favor en letra de molde o imprenta)	Fecha de nacimiento (mm/dd/aa)	Últimos cuatro dígitos del número de Seguro Social (Completar este casillero es optativo) _____ O <input type="checkbox"/> No tengo un número de Seguro Social.
Cambio de nombre (Si usted cambió su nombre desde que se registró para votar, por favor escriba en letra de molde su NOMBRE ANTERIOR para autorizar una actualización de su registro del votante):		
NOMBRE ANTERIOR:		
Dirección del registro (número y calle)	Ciudad/Pueblo, Estado, Código Postal	Teléfono (Optativo) ( )

### 2. COMPLETAR ESTA SECCIÓN DE LA SOLICITUD PARA VOTAR EN LAS PRIMARIAS

De acuerdo con la ley del estado, usted debe solicitar una boleta electoral de un partido político importante para votar en una elección primaria. Sin embargo, usted puede votar sobre una pregunta pública sin votar una boleta electoral del partido político, si un referendium (pregunta pública) se lleva a cabo el mismo día de las elecciones primarias. Yo solicito el voto del partido político, una mayoría de cuyos candidatos por los que he votado durante la última elección general o por quien tengo intención de votar en las próximas elecciones generales: (marcar un casillero)

☐ PARTIDO DEMÓCRATA ☐ PARTIDO REPUBLICANO

O No deseo votar en las primarias de ninguno de los partidos políticos pero deseo votar sobre una ☐ PREGUNTA PÚBLICA

Juro o afirmo bajo las multas por perjurio que toda la información descrita en esta solicitud es verdadera a mi mejor saber y entender.

Firma del votante (o la persona designada para firmar por los votantes con discapacidades que no es capaz de firmar) X	Fecha de la firma (mes, día, año) ____/____/20__
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### 3. INFORMACIÓN DE LA PERSONA ASISTENTE DEL SOLICITANTE DEL VOTO POR AUSENCIA:

Nombre (por favor en letra de imprenta o molde)	Fecha de asistencia ofrecida al solicitante ____/____/20__	
Dirección de la residencia (número y calle)	Ciudad/Pueblo, Estado, Código postal	Teléfono (día) ( )
Dirección postal (número y calle) (si es distinta a la dirección de la residencia)	Ciudad/Pueblo, Estado, Código postal	Teléfono (noche) ( )
Juro o afirmo bajo las multas por perjurio que no soy el empleador del votante, un oficial de la unión del votante, o un agente del empleador o sindicato del votante y tengo conocimiento o razón para creer que la persona que entrega la solicitud: (1) es inelegible para votar o efectuar un voto en ausencia o (2) no completó y firmó correctamente la solicitud.		
Firma de la persona asistente del votante con la solicitud X	Fecha de la firma (mes, día, año)	
Multa por perjurio: Una persona que hace una declaración falsa, material bajo juramento o afirmación sabiendo que la declaración es falsa o no creyendo que es cierta comete perjurio que es punible por encarcelamiento hasta 2 años y medio, una multa de hasta \$10,000, o ambos.		



**SOLICITUD DE REGISTRO PARA EL VOTANTE DEL  
CONDADO DE INDIANA**  
Formulario del Estado 55442 (10-13)  
Comisión electoral de Indiana

(VRG-11)

Para información sobre las elecciones ver: [www.indianavoters.com](http://www.indianavoters.com)

Usted puede usar esta solicitud para: Efectuar la solicitud para el registro del votante en Indiana o cambiar su nombre y dirección en su registro o transferir su registro si se muda de su distrito electoral.

Para registrarse usted debe: Ser un ciudadano de los Estados Unidos de América, tener 18 años de edad, como mínimo, el día de la próxima elección general o municipal, haber vivido en su distrito electoral durante 30 días, como mínimo, antes de las próximas elecciones y no estar encarcelado actualmente después de haber sido encontrado culpable por un delito.

Si usted está registrándose para votar en Indiana por primera vez y envía esta solicitud por correo tendrá que suministrar documentos adicionales sobre la residencia antes de votar. Si el condado puede igualar su número de tarjeta de conductor o seguro social con un registro identificador existente de Indiana que posea el mismo número, nombre y fecha de nacimiento que usted suministre en la solicitud entonces ha cumplido con el requisito. Usted también puede cumplir con este requisito suministrando una prueba de residencia con esta solicitud o en cualquier momento hasta el día de las elecciones. La prueba de residencia puede cumplirse presentando: (1) una COPIA de su identificación fotográfica válida y actualizada o (2) una boleta de servicios públicos actual, estado bancario, cheque del gobierno, cheque de sueldo o documento del gobierno mostrando su nombre y dirección a la dirección que usted suministró en esta solicitud. Por favor no envíe los originales. Cubra cualquier información relacionada con la cuantía con un marcador permanente.

**COMPLETAR TODOS LOS CASILLEROS CORRESPONDIENTES CON TINTA AZUL O NEGRA. NO ENVIAR EL FORMULARIO POR FAX O EMAIL DESPUÉS DE COMPLETARLO.**

Enviar por correo o entregar personalmente la solicitud a:

Oficina de registro para el votante del Condado

IN

**Casillero 4:** Dirección de la residencia: Escribir en letra de imprenta (módica) la dirección donde usted vive. Si su dirección es una ruta rural, incluir el número de buzón (caja postal). Si su residencia no tiene una dirección o número de calle, escriba una descripción breve de su ubicación en el Casillero 4 o anexe un mapa.

**Casilleros 10 u 11:** Si usted marca "no" respondiendo a cualquiera de las preguntas en los Casilleros 10 u 11, no complete esta solicitud.

**Casillero 12:** Número de identificación del votante: Se requiere que usted suministre su número de licencia de conductor de Indiana como fue emitida por el Indiana Bureau of Motor Vehicles. Si usted no tiene una licencia de conductor de Indiana, suministre los últimos cuatro dígitos de su número de seguro social. Si usted no tiene un número de licencia de conductor de Indiana ni un número de seguro social deberá indicar "Ninguno".

**Casillero 14:** Esta solicitud no puede procesarse sin la firma original del votante, en esta sección.

**Vencimiento de la solicitud:** Esta solicitud deberá estar matriculada o entregada personalmente a la oficina del registro para el votante de su condado antes de los 29 días precedentes a la próxima elección. Si usted no cumple con esta fecha de vencimiento su solicitud será procesada cuando se recorra el registro.

**Casillero 15:** Si usted o Indiana Election Division no presentan esta solicitud a la oficina de registro para el votante de su condado, la persona que acepta la custodia de la solicitud (con excepción de un miembro del mismo grupo familiar) deberá completar esta certificación antes de presentar la solicitud a la oficina de registro para el votante del condado o al Indiana Election Division antes del mediodía 10 días después del recibo o la fecha de vencimiento de la solicitud, cualesquiera ocurra primero.

**Aviso de reconocimiento:** Se le enviará un aviso de parte de la oficina para el registro del votante de su condado reconociendo el recibo de su solicitud. El aviso le informará si su solicitud ha sido aprobada por la oficina para el registro del votante del condado. Si su solicitud está incompleta se le podrá información adicional. Si usted no recibe un aviso dentro de los 30 días de la presentación de esta solicitud, comuníquese con la oficina para el registro del votante de su condado.

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, IN 46204-2743  
Teléfono: (317) 232-3939  
Número gratuito (Indiana únicamente): (800) 822-4941  
[www.in.gov/elections](http://www.in.gov/elections)

**RECIBO DEL SOLICITANTE DE LA PERSONA QUE ACEPTA LA CUSTODIA DE UN FORMULARIO COMPLETADO PARA EL REGISTRO DEL VOTANTE**  
(no un recibo del condado con el propósito del registro del votante)

**NOTA:** Si usted acepta un formulario completado de otra persona, para poder presentar su registro para que sea tomado en cuenta, usted deberá presentar el formulario completado a la oficina para el registro del votante de su condado o al Indiana Election Division antes del mediodía 10 días después del recibo a la fecha de vencimiento de la solicitud, cualesquiera ocurra primero.

Yo acepto custodia de esta solicitud completada el \_\_\_\_/\_\_\_\_/20\_\_\_\_.

Nombre en letra de molde

Dirección de la residencia

Por favor separar y entregar el recibo de arriba al solicitante, si usted está aceptando custodia de una solicitud completada.

1	Marcar los casilleros que correspondan: <input type="checkbox"/> Nuevo registro <input type="checkbox"/> Cambio de dirección (Ver Casillero 4) <input type="checkbox"/> Cambio de nombre (Ver Casillero 13)	2	Condado de Indiana donde usted vive:	PARA USO DEL CONDADO ÚNICAMENTE	Fecha de procesamiento	Municipio/Distrito electoral	Número de rastreo del condado
3	Sexo <input type="checkbox"/> Femenino <input type="checkbox"/> Masculino	Apellido	Primer nombre	Segundo nombre o inicial	Suño Jr. Sr. II III IV		
4	Dirección de la residencia (No número de casilla postal) si no hay dirección escriba una breve descripción o anexe un mapa.			Número de apartamento	Ciudad / Pueblo	Estado IN	Código postal
5	Dirección postal, si es distinta a la del Casillero 4, si es la misma, escriba "MISMA"			Número de apartamento	Ciudad / Pueblo	Estado	Código postal
6	Dirección anterior del registro del votante			Condado	Número de apartamento	Ciudad / Pueblo	Estado Código postal
7	Fecha de nacimiento (mm/dd/aa)	8	Número de teléfono (Opcional)	9	E-mail (Opcional)		
10	¿Usted es un ciudadano de los Estados Unidos de América? <input type="checkbox"/> Sí <input type="checkbox"/> No	11	¿Tendrá 18 años de edad como mínimo el día o antes del día de la elección? <input type="checkbox"/> Sí <input type="checkbox"/> No	12 Establecer un Número de identificación del votante. El solicitante debe suministrar un número o indicar "Ninguno". Suministrar sus 10 dígitos del número emitido de licencia de conductor de Indiana. Si usted no tiene una licencia de conductor de Indiana entonces suministre los últimos 4 dígitos de su número de seguro social aquí. Si usted no tiene ninguno de ellos, marque "Ninguno". <input type="checkbox"/> Número de licencia de conductor de Indiana o Número de tarjeta identificatoria del Bureau of Motor Vehicles <input type="checkbox"/> Últimos 4 dígitos del número de Seguro Social <input type="checkbox"/> Ninguno			
13	Si usted cambió su nombre ¿cuál era su nombre antes del cambio? Si usted no cambió su nombre no responda a esta pregunta.	Apellido	Primer nombre	Segundo nombre o inicial	Suño Jr. Sr. II III IV		
14	Autorizo mi registro de votante en cualquier otra dirección a ser cancelado. Juro o afirmo que: • Soy un ciudadano de los Estados Unidos de América. • Tendré 18 años de edad en las próximas elecciones generales o municipales. • Habré vivido en mi distrito electoral durante 30 días, como mínimo, antes de la próxima elección. • No estoy actualmente en prisión después de haber sido condenado por un delito. • Toda la información arriba señalada y todas las otras declaraciones en este formulario son verdaderas. Entiendo que si firmo esta declaración sabiendo que no es verdadera estoy cometiendo perjurio y puedo ser multado hasta \$10,000, encarcelado hasta tres años o ambos. Firma del solicitante			Fecha (mm/dd/aa)	15		
Si el solicitante no puede firmar la solicitud debido a una discapacidad, la persona que escribe el nombre del solicitante en el renglón de arriba a pedido del solicitante deberá suministrar su nombre y dirección a continuación.				DECLARACION DE ACEPTACION CERTIFICADA A ser completada por una persona que acepte la custodia de la solicitud completada antes de presentarla a la oficina para el registro del votante del condado o al Indiana Election Division. No corresponde a una persona que acepte un formulario del miembro del grupo familiar.  Afirmo bajo multa por perjurio que he aceptado la custodia de esta solicitud completada del solicitante el (Insertar fecha): ____/____/20____.  Nombre en letra de molde  Dirección de la residencia  Firma			
Nombre		Dirección		Número de teléfono (Opcional)			

Si usted acepta un formulario completado de otra persona deberá suministrarlo a la oficina para el registro del votante del condado o a Indiana Election Division antes del mediodía 10 días después del recibo o vencimiento del registro, cualesquiera ocurra primero.

55442

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## DEPARTMENT OF COMMERCE

## Bureau of the Census

[Docket Number 110921996-1557-01]

## Voting Rights Act Amendments of 2006, Determinations Under Section 203

AGENCY: Bureau of the Census,  
Department of Commerce.

ACTION: Notice of determination.

**SUMMARY:** As required by Section 203 of the Voting Rights Act of 1965, as amended, this notice publishes the Bureau of the Census (Census Bureau) Director's determinations as to which political subdivisions are subject to the minority language assistance provisions of the Act. As of this date, those jurisdictions that are listed as covered by Section 203 have a legal obligation to provide the minority language assistance prescribed by the Act.

**DATES:** *Effective Date:* This notice is effective on October 13, 2011.

**FOR FURTHER INFORMATION CONTACT:** For information regarding this notice, please contact Ms. Catherine M. McCully, Chief, Census Redistricting Data Office, Bureau of the Census, United States Department of Commerce, Room D1K 8H019, 4600 Silver Hill Rd, Washington DC 20233, by telephone at 301-763-4039, or visit the Redistricting Data Office Internet site at <http://www.census.gov/rdo/>.

For information regarding the applicable provisions of the Act, please contact T. Christian Herren, Jr., Chief, Voting Section, Civil Rights Division, United States Department of Justice, Room 7254-NWB, 950 Pennsylvania Avenue, NW., Washington, DC 20530, by telephone at (800) 253-3931 or visit the Voting Section Internet site at <http://www.justice.gov/crt/about/vot/>.

**SUPPLEMENTARY INFORMATION:** In July 2006, Congress amended the Voting Rights Act of 1965, Title 42, United States Code (U.S.C.), 1973 *et seq.* (See Pub. L. 109-246, 120 Stat. 577 (2006)).

Among other changes, the sunset date for minority language assistance provisions set forth in Section 203 of the Act was extended to August 5, 2032.

Section 203 mandates that a state or political subdivision must provide language assistance to voters if more than five (5) percent of voting age citizens are members of a single-language minority group and do not "speak or understand English adequately enough to participate in the electoral process" and if the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade. When a state is covered for a particular language minority group, an exception is made for any political subdivision in which less than five (5) percent of the voting age citizens are members of the minority group and are limited in English proficiency, unless the political subdivision is covered independently. A political subdivision is also covered if more than 10,000 of the voting age citizens are members of a single-language minority group, do not "speak or understand English adequately enough to participate in the electoral process," and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade.

Finally, if more than five (5) percent of the American Indian or Alaska Native voting age citizens residing within an American Indian Reservations (and off-reservation trust lands) are members of a single language minority group, do not "speak or understand English adequately enough to participate in the electoral process," and the rate of those citizens who have not completed the fifth grade is higher than the national rate of voting age citizens who have not completed the fifth grade, any political subdivision, such as a county, which contains all or any part of that Indian reservation, is covered by the minority language assistance provision set forth in Section 203. An American Indian

Reservation is defined as any area that is an American Indian or Alaska Native area identified for purposes of the decennial census. For the 2010 Census, these areas were identified by the federally recognized tribal governments, Bureau of Indian Affairs, and state governments. The Census Bureau worked with American Indian tribes and Alaska Natives to identify statistical areas, such as Oklahoma Tribal Statistical Areas (OTSA), State Designated Tribal Statistical Areas (SDTSA), and Alaska Native Village Statistical Areas (ANVSA).

Pursuant to Section 203, the Census Bureau Director has the responsibility to determine which states and political subdivisions are subject to the minority language assistance provisions of Section 203. The state and political subdivisions obligated to comply with the requirements are listed in the attachment to this Notice.

Section 203 also provides that the "determinations of the Director of the Census under this subsection shall be effective upon publication in the Federal Register and shall not be subject to review in any court." Therefore, as of this date, those jurisdictions that are listed as covered by Section 203 have legal obligation to provide the minority language assistance prescribed in Section 203 of the Act. In the cases, where a state is covered, those counties or county equivalents not displayed in the attachment are exempt from the obligation. Those jurisdictions subject to Section 203 of the Act previously, but not included on the list below, are no longer obligated to comply with Section 203. The previous determinations under Section 4(f)(4) of the Voting Rights Act remain in effect and are unaffected by this determination. (See Title 28, Code of Federal Regulations, part 55, Appendix (2010)).

Dated: October 5, 2011.

Robert M. Groves,  
Director, Bureau of the Census.

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010

State and political subdivision	Language minority group
Alaska:	
Aleutians East Borough	Asian (Filipino).
Aleutians East Borough	Hispanic.
Aleutians West Census Area	Asian (Filipino).
Bethel Census Area	Alaska Native (Inupiat).
Bethel Census Area	Alaska Native (Yup'ik).
Dillingham Census Area	Alaska Native (Yup'ik).
Nome Census Area	Alaska Native (Inupiat).
Nome Census Area	Alaska Native (Yup'ik).
North Slope Borough	Alaska Native Tribe—Tribe not Specified.
North Slope Borough	Alaska Native (Inupiat).

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Northwest Arctic Borough	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Inupiat).
Wade Hampton Census Area	Alaska Native (Yup'ik).
Yukon-Koyukuk Census Area	Alaska Native (Aleaskan Athabascan).
Arizona:	
Apache County	American Indian (Navajo).
Apache County	American Indian (Pueblo).
Cocconino County	American Indian (Hopi).
Cocconino County	American Indian (Navajo).
Cocconino County	American Indian (Yuma).
Maricopa County	American Indian (Tohono O'Odham).
Maricopa County	Hispanic.
Mohave County	American Indian (Yuma).
Navajo County	American Indian (Hopi).
Navajo County	American Indian (Navajo).
Pima County	American Indian (Tohono O'Odham).
Pima County	American Indian (Yaqui).
Pima County	Hispanic.
Pinal County	American Indian (Tohono O'Odham).
Santa Cruz County	Hispanic.
Yavapai County	American Indian (Yuma).
Yuma County	American Indian (Yuma).
Yuma County	Hispanic.
California:	
State Coverage	Hispanic.
Alameda County	Asian (Chinese).
Alameda County	Asian (Filipino).
Alameda County	Hispanic.
Alameda County	Asian (Vietnamese).
Colusa County	Hispanic.
Contra Costa County	Hispanic.
Fresno County	Hispanic.
Glenn County	Hispanic.
Imperial County	Hispanic.
Kern County	Hispanic.
Kings County	Hispanic.
Los Angeles County	Asian (Asian Indian).
Los Angeles County	Asian (Chinese).
Los Angeles County	Asian (Filipino).
Los Angeles County	Hispanic.
Los Angeles County	Asian (Japanese).
Los Angeles County	Asian (Korean).
Los Angeles County	Asian (Other Asian—Not specified).
Los Angeles County	Asian (Vietnamese).
Madera County	Hispanic.
Merced County	Hispanic.
Monterey County	Hispanic.
Napa County	Hispanic.
Orange County	Asian (Chinese).
Orange County	Hispanic.
Orange County	Asian (Korean).
Orange County	Asian (Vietnamese).
Riverside County	Hispanic.
Sacramento County	Asian (Chinese).
Sacramento County	Hispanic.
San Benito County	Hispanic.
San Bernardino County	Hispanic.
San Diego County	Asian (Chinese).
San Diego County	Asian (Filipino).
San Diego County	Hispanic.
San Diego County	Asian (Vietnamese).
San Francisco County	Asian (Chinese).
San Francisco County	Hispanic.
San Joaquin County	Hispanic.
San Mateo County	Asian (Chinese).
San Mateo County	Hispanic.
Santa Barbara County	Hispanic.
Santa Clara County	Asian (Chinese).
Santa Clara County	Asian (Filipino).
Santa Clara County	Hispanic.
Santa Clara County	Asian (Vietnamese).
Stanislaus County	Hispanic.

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## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Tulare County	Hispanic.
Ventura County	Hispanic.
Colorado:	
Costilla County	Hispanic.
Denver County	Hispanic.
Rio Grande County	Hispanic.
Connecticut:	
Bridgeport town	Hispanic.
East Hartford town	Hispanic.
Hartford town	Hispanic.
Meriden town	Hispanic.
New Britain town	Hispanic.
New Haven town	Hispanic.
New London town	Hispanic.
Waterbury town	Hispanic.
Windham town	Hispanic.
Florida:	
State Coverage	Hispanic.
Broward County	Hispanic.
Hardee County	Hispanic.
Hendry County	Hispanic.
Hillsborough County	Hispanic.
Lee County	Hispanic.
Miami-Dade County	Hispanic.
Orange County	Hispanic.
Osceola County	Hispanic.
Palm Beach County	Hispanic.
Polk County	Hispanic.
Hawaii:	
Honolulu County	Asian (Chinese).
Honolulu County	Asian (Filipino).
Honolulu County	Asian (Japanese).
Maua County	Asian (Filipino).
Illinois:	
Cook County	Asian (Asian Indian).
Cook County	Asian (Chinese).
Cook County	Hispanic.
DuPage County	Hispanic.
Kane County	Hispanic.
Lake County	Hispanic.
Kansas:	
Finney County	Hispanic.
Ford County	Hispanic.
Grant County	Hispanic.
Seward County	Hispanic.
Maryland:	
Montgomery County	Hispanic.
Massachusetts:	
Boston city	Hispanic.
Chelsea city	Hispanic.
Fitchburg city	Hispanic.
Holyoke city	Hispanic.
Lawrence city	Hispanic.
Lowell city	Hispanic.
Lynn city	Hispanic.
Quincy city	Asian (Chinese).
Revere city	Hispanic.
Southbridge town	Hispanic.
Springfield city	Hispanic.
Worcester city	Hispanic.
Michigan:	
Clyde township <sup>1</sup>	Hispanic.
Hamtramck city	Asian (Bangladesh).
Hartford city	Hispanic.
Mississippi:	
Attala County	American Indian (Choctaw).
Jackson County	American Indian (Choctaw).
Jones County	American Indian (Choctaw).
Kemper County	American Indian (Choctaw).
Leake County	American Indian (Choctaw).
Neshoba County	American Indian (Choctaw).
Newton County	American Indian (Choctaw).

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Noxubee County	American Indian (Choctaw).
Scott County	American Indian (Choctaw).
Winston County	American Indian (Choctaw).
Nebraska:	
Colfax County	Hispanic.
Dakota County	Hispanic.
Dawson County	Hispanic.
Nevada:	
Clark County	Asian (Filipino).
Clark County	Hispanic.
New Jersey:	
Bergen County	Hispanic.
Bergen County	Asian (Korean).
Camden County	Hispanic.
Cumberland County	Hispanic.
Essex County	Hispanic.
Hudson County	Hispanic.
Middlesex County	Hispanic.
Passaic County	Hispanic.
Union County	Hispanic.
New Mexico:	
Bernalillo County	American Indian (Navajo).
Bernalillo County	American Indian (Pueblo).
Bernalillo County	Hispanic.
Catron County	American Indian (Pueblo).
Chaves County	Hispanic.
Cibola County	American Indian (Navajo).
Cibola County	American Indian (Pueblo).
Doña Ana County	Hispanic.
Eddy County	Hispanic.
Grant County	Hispanic.
Guadalupe County	Hispanic.
Harding County	Hispanic.
Hidalgo County	Hispanic.
Lea County	Hispanic.
Luna County	Hispanic.
McKinley County	American Indian (Navajo).
McKinley County	American Indian (Pueblo).
Mora County	Hispanic.
Rio Arriba County	American Indian (Navajo).
Rio Arriba County	Hispanic.
San Juan County	American Indian (Navajo).
San Miguel County	Hispanic.
Sandoval County	American Indian (Navajo).
Sandoval County	American Indian (Pueblo).
Santa Fe County	American Indian (Pueblo).
Socorro County	American Indian (Navajo).
Socorro County	American Indian (Pueblo).
Socorro County	Hispanic.
Taos County	Hispanic.
Valencia County	American Indian (Pueblo).
Valencia County	Hispanic.
New York:	
Bronx County	Hispanic.
Kings County	Asian (Chinese).
Kings County	Hispanic.
Nassau County	Hispanic.
New York County	Asian (Chinese).
New York County	Hispanic.
Queens County	Asian (Asian Indian).
Queens County	Asian (Chinese).
Queens County	Hispanic.
Queens County	Asian (Korean).
Suffolk County	Hispanic.
Westchester County	Hispanic.
Pennsylvania:	
Berks County	Hispanic.
Lehigh County	Hispanic.
Philadelphia County	Hispanic.
Rhode Island:	
Central Falls city	Hispanic.
Pawtucket city	Hispanic.

63606

Federal Register / Vol. 76, No. 198 / Thursday, October 13, 2011 / Notices

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
Providence city	Hispanic.
Texas:	
State Coverage	Hispanic.
Andrews County	Hispanic.
Atascosa County	Hispanic.
Bailey County	Hispanic.
Bee County	Hispanic.
Bexar County	Hispanic.
Brewster County	Hispanic.
Brooks County	Hispanic.
Caldwell County	Hispanic.
Calhoun County	Hispanic.
Cameron County	Hispanic.
Castro County	Hispanic.
Cochran County	Hispanic.
Concho County	Hispanic.
Crane County	Hispanic.
Crockett County	Hispanic.
Crosby County	Hispanic.
Culberson County	Hispanic.
Dallas County	Hispanic.
Dawson County	Hispanic.
Deaf Smith County	Hispanic.
Dimmit County	Hispanic.
Duval County	Hispanic.
Ector County	Hispanic.
Edwards County	Hispanic.
El Paso County	American Indian (Pueblo).
El Paso County	Hispanic.
Floyd County	Hispanic.
Fort Bend County	Hispanic.
Frio County	Hispanic.
Gaines County	Hispanic.
Garza County	Hispanic.
Glasscock County	Hispanic.
Gonzales County	Hispanic.
Guadalupe County	Hispanic.
Hale County	Hispanic.
Hansford County	Hispanic.
Harris County	Asian (Chinese).
Harris County	Hispanic.
Harris County	Asian (Vietnamese).
Hidalgo County	Hispanic.
Hockley County	Hispanic.
Hudspeth County	Hispanic.
Jim Hogg County	Hispanic.
Jim Wells County	Hispanic.
Karnes County	Hispanic.
Kenedy County	Hispanic.
Kinney County	Hispanic.
Kleberg County	Hispanic.
La Salle County	Hispanic.
Lamb County	Hispanic.
Live Oak County	Hispanic.
Lynn County	Hispanic.
Martin County	Hispanic.
Maverick County	American Indian (Kickapoo).
Maverick County	Hispanic.
Medina County	Hispanic.
Midland County	Hispanic.
Mitchell County	Hispanic.
Moore County	Hispanic.
Nolan County	Hispanic.
Nueces County	Hispanic.
Ochiltree County	Hispanic.
Parmer County	Hispanic.
Pecos County	Hispanic.
Presidio County	Hispanic.
Reagan County	Hispanic.
Reeves County	Hispanic.
Refugio County	Hispanic.
Runnels County	Hispanic.

## COVERED AREAS FOR VOTING RIGHTS BILINGUAL ELECTION MATERIALS—2010—Continued

State and political subdivision	Language minority group
San Patricio County	Hispanic.
San Saba County	Hispanic.
Schleicher County	Hispanic.
Scurry County	Hispanic.
Sherman County	Hispanic.
Starr County	Hispanic.
Sutton County	Hispanic.
Swisher County	Hispanic.
Tarrant County	Hispanic.
Terrell County	Hispanic.
Terry County	Hispanic.
Titus County	Hispanic.
Travis County	Hispanic.
Upton County	Hispanic.
Uvalde County	Hispanic.
Val Verde County	Hispanic.
Ward County	Hispanic.
Webb County	Hispanic.
Willacy County	Hispanic.
Wilson County	Hispanic.
Winkler County	Hispanic.
Yoskum County	Hispanic.
Zapala County	Hispanic.
Zavala County	Hispanic.
Utah:	
Salt Lake County	Hispanic.
San Juan County	American Indian (Navajo).
Virginia:	
Fairfax County	Hispanic.
Washington:	
Adams County	Hispanic.
Franklin County	Hispanic.
King County	Asian (Chinese).
King County	Asian (Vietnamese).
Yakima County	Hispanic.
Wisconsin:	
Milwaukee City	Hispanic.

<sup>1</sup> Clyde Township in Allegan County.

[FR Doc. 2011-26293 Filed 10-12-11; 8:45 am]

BILLING CODE 3510-07-P

## DEPARTMENT OF COMMERCE

### Bureau of Industry and Security

#### Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (SITAC) will meet on October 25, 2011, 9:30 a.m., in the Herbert C. Hoover Building, Room 3884, 14th Street between Constitution and Pennsylvania Avenues, NW., Washington, DC. The Committee advises the Office of the Assistant Secretary for Export Administration on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology.

#### Agenda

##### Public Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

##### Closed Session

5. Discussion of matters determined to be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3).

The open session will be accessible via teleconference to 20 participants on a first come, first served basis. To join the conference, submit inquiries to Ms. Yvette Springer at [Yvette.Springer@bis.doc.gov](mailto:Yvette.Springer@bis.doc.gov) no later than October 18, 2011.

A limited number of seats will be available during the public session of the meeting. Reservations are not accepted. To the extent that time permits, members of the public may present oral statements to the Committee. The public may submit

written statements at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that the materials be forwarded before the meeting to Ms. Springer.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on September 27, 2011 pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. app. 2 § 10(d)), that the portion of this meeting dealing with pre-decisional changes to the Commerce Control List and U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. app. 2 §§ 10(a)(1) and 10(a)(3). The remaining portions of the meeting will be open to the public.

For more information contact Yvette Springer on (202) 482-2813.





**Statement by Indiana Republican Party Chairman Kyle Hupfer**  
United States Commission on Civil Rights Indiana Advisory Committee Hearing  
March 2, 2018  
Indianapolis, Indiana

On behalf of the Indiana Republican Party, I thank the United States Commission on Civil Rights and, in particular, the Indiana Advisory Committee, for the opportunity to submit a written statement for your consideration. The strength of our communities, at the local, state and national levels, depends on active participation among citizens and we believe the conversation you are having today is an important one. Thank you for including us.

As a political party organization, our primary objective is, of course, to win elections. We want individuals who ascribe to the principles and tenets of the Indiana Republican Party and of the Republican National Committee to be leading the charge to provide solutions to our problems and deliver positive results on behalf of our electorate.

Therefore, driving turn-out and encouraging Hoosiers to vote is a priority for our organization. Our candidates do not get the privilege of governing unless Hoosiers exercise their right to vote in both primary elections and general elections. To that end, we spend significant resources in both time and dollars to encourage early and absentee voting. In fact, almost any discussion about turn-out efforts revolves around the phrase, “AB/EV,” for absentee balloting/early voting. We want Hoosiers to vote and do our part to make that happen.

But beyond that, of a more paramount importance than winning elections, we are firm believers that an informed and active citizenry produces better results and better outcomes for citizens themselves. Therefore, we are committed to civil discourse and civic engagement at every level – that’s why we in Indiana call ourselves “The Party of Purpose.” We stand with Governor Eric Holcomb, the leader of our Indiana Republican Party, who recently announced the foundational pillar of his administration saying, “Civility doesn’t mean we put all our differences aside, but it demands that we listen to and respect people, their ideas and different points of view other than our own. Being civil towards each other will not erase our differences, but it may help us keep our compass pointed not to what divides us—but to solving our common problems.” While political rhetoric can sometimes become heated and perhaps less than civil, we certainly strive to stay true to this pillar every day.

Additionally, we recognize the dire need for civic education as essential to inspiring in Hoosiers from every geography and of every demographic a sense of duty and responsibility to themselves and their neighbors to get involved. For that reason, we have made it a priority to visit classrooms and campuses across the state to engage with those who can’t yet vote to hopefully inspire greater confidence in their representation and help lead them to be more civically minded and civically engaged. And we are engaging in communities that have historically been ignored by Republicans, as well. We are seeing the fruits of that labor with increased attendance at our events and hope that trend continues into and through Election Day 2018.

It is with those goals in mind that we will continue to “get out the vote” on Election Day and do what we can as a political party to engage our fellow Hoosiers in the noble calling of public service and active civic participation, including in our political processes, in our candidate selection, and in voting. Again, I thank you for the opportunity to submit to you this testimony and wish you the best in the drafting of your report.



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Professor of Law  
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**Written Testimony of  
Professor Justin Levitt,  
Loyola Law School, Los Angeles**

**Before the  
Indiana Advisory Committee to the U.S. Commission on Civil Rights**

**Voting Rights in Indiana: Redistricting**

April 30, 2018

Chair Clements-Boyd and distinguished Members of the Advisory Committee, thank you for the invitation to offer this testimony. I am sorry that I was not able to join you in person for the hearings in February and March, but I thank you for the ability to participate nevertheless, even from a distance and at some remove.

My name is Justin Levitt. I am a Professor of Law and the Associate Dean for Research at Loyola Law School, in Los Angeles.<sup>1</sup> I teach constitutional law and criminal procedure, and I focus particularly on the law of democracy — which means that I have the privilege of studying, analyzing, and teaching the Constitution from start to finish. From the first words of the Preamble to the final words of the 27th Amendment, our founding document is concerned with how We the People are represented: what we authorize our representatives to do, what we do not permit our representatives to do, and how we structure authority to allow our representatives to check and balance each other in the interest of ensuring that the republic serves us all.

My examination of the law of democracy is not merely theoretical. I have returned to Loyola from serving as a Deputy Assistant Attorney General helping to lead the Civil Rights Division of the U.S. Department of Justice. There, I had the privilege to support the Division's work on voting rights, among other issues. Before joining the Civil Rights Division, I had the chance to practice election law in other contexts as well, including work with civil rights institutions and with voter mobilization organizations, ensuring that those who are eligible to vote and wish to vote are readily able to vote, and have their votes counted in a manner furthering meaningful representation. My work has included the publication of studies and reports; assistance to federal and state administrative and legislative bodies with responsibility over elections; and, when necessary, participation in litigation to compel jurisdictions to comply with their obligations under federal law and the Constitution. And of particular relevance to the topic below, I maintain a website attempting to explain and track the redistricting process and the

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<sup>1</sup> My comments represent my personal views and are not necessarily those of Loyola Law School or any other organization with which I am now or have previously been affiliated.

course of related litigation for statewide districts (both state and federal) across the country; that website is available at <http://redistricting.ils.edu>.

I have previously had the privilege to address committees of the Indiana state legislature on redistricting matters, and the privilege to address both the Commission on Civil Rights and state Advisory Committees to the Commission on elections issues of various kinds. It is a distinct pleasure to offer additional assistance to this esteemed advisory body.

It is my understanding that you have already heard from various experts and other witnesses with respect to several issues that may confront Hoosiers in the election process, including witnesses presenting various concerns with voters' ability to cast ballots that may be counted. Several such controversies have confronted Indiana recently, with associated concerns about the degree to which burdens may fall unevenly on communities already underserved. Those controversies include disputes over the particular means by which individuals are asked to identify themselves at the polls, the particular means by which voter registration rolls are maintained, the establishment of sufficient sites for in-person absentee voting (also known as "early voting"), and the extent of the "chute" for purposes of closing time and access to pollwatchers, among others. There are also aspects of the current structure which may present barriers just as meaningful, or more meaningful, without generating the same degree of public controversy, including equitable access to the ballot by citizens formerly disenfranchised by conviction, citizens with language difficulties, younger voters and elderly voters, or citizens with disabilities. And, naturally, I expect that the committee will have heard about affirmative opportunities to assist individuals in exercising the right to vote by building bridges, and not merely by tearing barriers down.

To avoid duplication of those other witnesses' efforts, I also understand that you would prefer that I focus my particular remarks on a different portion of the electoral system: specifically, on the redistricting process that speaks to the representation that Hoosiers receive apart from the mechanics of casting and counting ballots. By focusing on redistricting, I do not mean to offer a judgment about its relative priority in Indiana. Similarly, by foregoing for the time being discussion of these other topics relevant to election administration, I hope that I do not communicate in any way that I believe these topics to be less important.

With respect to redistricting, I'll offer one additional caveat: unfortunately, I have not had recent opportunity to extensively research the redistricting of county or municipal offices in Indiana, and the extent to which that redistricting has or has not complied with federal voting rights law. It may well be that particular controversies or challenges have been revealed in contests over local redistricting in the state, in litigation and beyond, and their absence in this testimony is more a product of my recent schedule than any assessment of the merit of those challenges.

In statewide redistricting — redistricting for state legislative and congressional office — Indiana has something of a distinction. Along with Delaware, Iowa, Nebraska, and Utah, I believe that Indiana is one of only five states free from litigation related to statewide redistricting in both the 2000 and 2010 redistricting cycles. That is both notable and commendable.

That said, I do not believe that the absence of litigation over the redistricting process necessarily proves that all is well, or that Indiana has thoroughly insulated itself from future concerns with respect to ensuring equitable representation. I would like to use this opportunity to highlight three redistricting issues in particular, and to recommend that the Advisory Committee consider them in its report.

First, Indiana is likely to be buffeted by the same winds buffeting other jurisdictions around the country reflecting the controversy over the Census. On March 26, 2018, the Secretary of Commerce indicated his intent to place a question on the decennial Census asking each and every individual about their citizenship, ostensibly to improve the enforcement of minority voting rights (albeit in the face of strong opposition from civic groups actually engaged in the enforcement of minority voting rights). In a profound and profoundly disturbing departure from prior Census practice, Secretary Ross made this determination without first testing its likely impact. And in the present political climate, based on increasing levels of concern with collecting citizenship information even on less salient and far lengthier surveys, many advocates for minority representation fear that elevating the prominence of a citizenship question on the decennial Census will substantially depress Census response. Indeed, the concern is that response will be depressed not only among noncitizens (including those lawfully present), but among communities with heightened levels of distrust of the federal government, including many minority citizens.

Depressed response to the decennial Census risks damage to the Census Bureau's only constitutional mandate: the responsibility — the very first express responsibility articulated of any federal administrative body in the federal Constitution — to count each individual in the country. But depressed response to the decennial Census also risks damage to the representation of Hoosiers. Within the state, inaccurate Census data will distort the equality of representation also guaranteed by the Constitution. And among the states, inaccurate Census data will reward states with ample outreach to their more marginalized populations at the expense of those who forego such outreach. Indiana currently has nine congressional districts, and if the Census accurately records relative growth patterns across the country, it is expected to retain nine congressional districts in 2020. If, however, Census participation in Indiana is disproportionately depressed by the addition of a citizenship question and the lack of compensatory state outreach, under extreme conditions, Indiana could lose its ninth congressional seat. And if such an outcome did not accurately reflect Indiana's population, Hoosiers statewide would suffer.

I would therefore encourage the Advisory Committee to recommend that the Census Bureau forego the additional citizenship question, at least in the absence of the normal degree of rigorous testing to determine the impact of such a change to the conduct of the decennial Census. And, in the event that the Census Bureau does not change course, I would also encourage the Advisory Committee to recommend that Indiana engage representatives of underserved populations to undertake compensatory outreach to those communities, to foster full participation in the Census despite community fears.

Second, Indiana is a state in which legislators are offered the opportunity to draw the districts in which they compete for re-election, and thus far, they have pursued this process

without any meaningful guidance in either state statute or the state constitution. This is an unstable state of affairs. The process of drawing legislative lines affects the interests of individual legislators, the interests of political parties, and the interests of represented communities — or, put differently, the public good. When legislators personally are able to set the lines by which they are elected, there arises a natural temptation to conflate the three, even when those officials act with the purest of motives. That is, even conscientious elected representatives might be tempted to draw electoral lines that insulate their districts from effective challenge and promote their party's fortunes — because they believe themselves and their party best able to serve their constituents.

Such temptations — whether fueled by self-interest or zealous advocacy — weaken the democratic process and blunt the voice of the electorate. By drawing district lines to promote individual and party security, legislators with a hand in the districting process become enmeshed in the task of building districts based on favored constituents and disfavored ones. That is, representatives become involved in the business of choosing their constituents, rather than the other way around.

Just as important is the way that this process looks to the public. Even if some individuals choose to forgo self-interested temptation, a system that encourages legislators to design their own districts with a free hand fosters the public perception that improper self-dealing is at work, which can further erode trust in civic institutions. This may be part of the reason that Todd Rokita, when serving as Secretary of State, made redistricting reform one of his signature issues.

The fact that Indiana legislators are in charge of the process lends extra suspicion to recent electoral maps — suspicion that might not be warranted were the maps produced by different means. In 2001, for example, the redistricting process was subject to split partisan control; Democrats controlled the state House and gubernatorial mansion, and Republicans controlled the state Senate. The resulting maps reflected rough overall partisan balance, but in a way consistent with a stark bipartisan, incumbent-protective gerrymander. Of 100 districts in the resulting state House map, 50 were drawn so that they leaned toward one major party or the other by an average of 30 percentage points, and so it is perhaps unsurprising that those 50 seats were wholly uncontested by one or the other of the major political parties.

In the most recent redistricting, Republicans had control of each legislative house and also the gubernatorial mansion. And the resulting maps reflect a stark pro-Republican bias — more skewed than between 88 and 96 percent (depending on slight variations in the particular measure deployed) of a set of plans analyzed nationwide over several decades. And though a partisan gerrymander usually produces more seats marginally more competitive than an incumbent-protective gerrymander, of 100 seats up for election in 2012, 32 were wholly uncontested by one of the major political parties.

These political outcomes might not breed quite as much concern about self-dealing if legislators were not drawing the lines of their own districts. In many cases, constituents are undoubtedly pleased with the representation they receive, and return incumbents to office by healthy margins. And in order to represent particular distinctive communities, it will often be

necessary to link like-minded voters together, which will result in districts that are less competitive. Moreover, individual legislators have shown that it is certainly possible to win an election in districts slanted toward the opposing party. Still, when legislators are in charge of the redistricting process, it is difficult to explain the electoral patterns exclusively in terms that put the public interest foremost.

The pressures and incentives of incumbency also raise serious concerns with respect to minority communities. In this past redistricting cycle, incumbents in several states sought to gain or preserve partisan advantage through redistricting plans or other electoral changes targeting voters based on their race or ethnicity. The fact that race or ethnicity may serve as a ready shorthand for perceived partisan preference does not make the targeting of such voters any less pernicious.

Nor is partisan gain the only reason to be concerned about incumbents' potential manipulation of minority representation in the redistricting process. Almost thirty years ago, a case from my adopted hometown made the point in vivid fashion:

When the dust has settled and local passions have cooled, this case will be remembered for its lucid demonstration that elected officials engaged in the single-minded pursuit of incumbency can run roughshod over the rights of protected minorities. The careful findings of the district court graphically document the pattern—a continuing practice of splitting the Hispanic core into two or more districts to prevent the emergence of a strong Hispanic challenger who might provide meaningful competition to the incumbent supervisors . . .

But the record here illustrates a more general proposition: Protecting incumbency and safeguarding the voting rights of minorities are purposes often at war with each other. Ethnic and racial communities are natural breeding grounds for political challengers; incumbents greet the emergence of such power bases in their districts with all the hospitality corporate managers show hostile takeover bids. What happened here—the systematic splitting of the ethnic community into different districts—is the obvious, time-honored and most effective way of averting a potential challenge. Incumbency carries with it many other subtle and not-so-subtle advantages, and incumbents who take advantage of their status so as to assure themselves a secure seat at the expense of emerging minority candidates may well be violating the Voting Rights Act. Today's case barely opens the door to our understanding of the potential relationship between the preservation of incumbency and invidious discrimination, but it surely gives weight to the Seventh Circuit's observation that “many devices employed to preserve incumbencies are necessarily racially discriminatory.”

*Garza v. County of Los Angeles*, 918 F.2d 763, 778–79 (9th Cir. 1990) (Kozinski, J., concurring and dissenting in part) (internal citations omitted).

Even if these particular tensions have not been prominent points of contestation in Indiana's recent statewide redistricting maps, Indiana is not immune from the “more general

proposition” reflected not only in the *Garza* case, but in redistricting battles across the country. I would therefore encourage the Advisory Committee to recommend that Indiana revisit its redistricting process, to place the redistricting authority primarily beyond the temptation of individual self-regard. There is room to ensure that redistricting is undertaken by a body reflecting the diversity of the state and with meaningful independence from the legislature, without taking either politics or politicians entirely out of the process. And there is room to ensure that redistricting is undertaken with this meaningful independence without squeezing all discretion from the body with the pen, to account for communities — including minority communities — that may not conform neatly to preconceived arithmetic expectations. Several other states already offer different reasonable approaches to the problem, and further innovations are constantly afoot. Indiana need not merely rely on forbearance by those with the largest inherent conflict of interest.

Finally, I would like to raise the issue of the interaction of imprisoned populations with the redistricting process. I have earlier mentioned concerns about a substantial coming inaccuracy in the Census count, reflecting populations that may refuse to answer the Census call. The issue I raise now is distinct, and has to do with an existing inaccuracy likely to be replicated once again in 2020: not about *who* will be counted, but about *where*.

The vast majority of persons counted by the Census will be counted at a “usual residence” they consider “home”: the address that they would also consider their permanent legal, electoral, and social residence. A few have a “usual residence” that is different from “home,” but where they are generally intertwined with the community where they lay their heads when the Census comes calling. But the 2.2 million individuals who are incarcerated in the United States were counted by the Census Bureau in 2010 at locations where they had involuntarily been placed. Unlike all other sojourners who are away from “home” on Census Day, incarcerated individuals do not meaningfully interact — indeed, are not permitted to meaningfully interact — with the communities to which they were assigned by the Census Bureau. Individuals incarcerated in Village Township do not eat at the restaurants of Village Township, shop in Village Township stores, attend Village Township movie theaters, or use Village Township roads, sidewalks, or public transportation. While incarcerated, they are not affected by Village Township county or municipal codes and cannot attend Village Township public meetings. They may be confined in a location physically adjacent to Village Township residents, but most Village Township residents will not likely consider them “neighbors.”

Moreover, individuals who are transferred to a correctional facility often have little in common with more usual “usual residents” of the area. Incarcerated individuals — disproportionately minorities — are often from a demographic and socioeconomic background quite distinct from those who live in the neighborhood. For example, a recent study found that there are at least seven Indiana counties where the proportion of African-Americans in the incarcerated population is more than ten times larger than the proportion of African-Americans in the surrounding county.

Under Indiana law, the simple fact of incarceration does not change a person’s electoral residence. But it will change the district to which they are assigned, distorting representation in several ways. For example, the Constitution requires that local, state, and federal districts be



drawn such that district populations are approximately equal. When the population tally counts incarcerated individuals where they are confined, districts are built on the backs of “ghost constituents,” with no meaningful ability in most states to influence their purported representatives, directly or indirectly. These individuals and the communities where they are truly from, accordingly, lose representation; in certain circumstances, the dilution may give rise to a claim under the Voting Rights Act.

On the other side of the coin, the non-incarcerated residents of districts with prisons garner unduly disproportionate influence. For example, in Lake County, Tennessee, after the most recent census, 87% of the population of one County Commissioner district was allotted to a local correctional facility. As a result, the 344 non-incarcerated residents of the district receive the same voice on county policy as the approximately 2500 or 2600 individuals in each of Lake’s two other districts.

Even when correctional facilities do not distort representation, they may well distort the candidate pool. Many jurisdictions allow voters throughout the jurisdiction to vote on candidates, but require the candidates to be from geographic districts of approximately equal size. If such districts are drawn to include large correctional facilities, there may be districts with no individuals eligible to run as candidates.

Sometimes, these factors align. In Anamosa, Iowa, after the 2000 Census, 1300 of the 1358 individuals allotted to City Council ward 2 were incarcerated there, giving the 58 other residents of that ward strikingly disproportionate political power. And after subtracting individuals ineligible to run for city council, that also left the ward strikingly few potential officeholders. In the 2005 municipal election, ward 2 had no candidates on the ballot, and only three voters, total. The winner, selected with two write-in votes, did not even vote for himself.

Though Anamosa’s situation is an extreme, the practice of counting incarcerated individuals where they are confined does democratic damage everywhere. This explains why more than 200 known counties, cities, and school boards in at least 30 states — including the City of Terre Haute and Vigo County — have attempted to correct or otherwise compensate for the 2010 Census tally, usually adjusting local population totals to account for populations in correctional facilities when drawing their own districts.

The solution that avoids representation distortion — in both state and local districts — is to tally incarcerated individuals in the communities to which they are most closely connected on Census Day. That location is not where they are involuntarily confined, but rather where they were from before the government intervened: where their relatives and friends and support systems are often located, where their children may live, where they are most likely to return when they are released from incarceration, and where their inclusion will illuminate and not distort the snapshot of the true local community. Indiana law already provides that a person’s electoral residence does not change when that individual is incarcerated; redistricting should reflect the same principle.

Four states, representing 65 million people, have already decided to adjust Census reports to tally incarcerated individuals for redistricting purposes at their last known address. I would

encourage the Advisory Committee to recommend that Indiana do the same, both for its own statewide districts and for local subdivisions, which may suffer from the democratic distortion to an even greater degree.

I hope that these short thoughts will serve the Advisory Committee as it continues its essential work. I would be happy to answer any additional questions that the Committee may have, and I certainly hope to be more available to speak with the Committee in the course of future deliberations. I thank the Committee once again for the opportunity to present this perspective, and wish you the best of luck in your endeavor to better protect the voting rights of all Hoosiers.

**BRENNAN  
CENTER  
FOR JUSTICE**

**Testimony of**

**Justin Levitt, Counsel  
Brennan Center for Justice at NYU School of Law**

**Before the  
Census Data Advisory Committee**

**September 29, 2009**

Good morning, distinguished Committee members. Thank you for the opportunity to speak at this very important hearing. My name is Justin Levitt, and I am an attorney at the Brennan Center for Justice at NYU School of Law. The Brennan Center is a non-partisan organization that unites scholars and advocates in pursuit of a vision of inclusive and effective democracy. Toward that end, the Center's Democracy Program promotes reforms that eliminate barriers to full and equal political participation and that foster responsive and responsible governance.

In particular, the Brennan Center has been at the forefront of research and advocacy on redistricting reform, both in the Midwest and across the country. We have extensively studied redistricting practices nationwide, analyzed both successful and unsuccessful attempts at redistricting reform, and produced materials to educate the public about the benefits and consequences of various redistricting methods. We have testified with respect to proposed redistricting legislation, and assisted advocates and elected officials in drafting such legislation. In addition, we have participated as *amici curiae* in many of the major cases addressing the use of redistricting for partisan gain or at the expense of minority voters.

We are very pleased that the Committee has chosen to scrutinize publicly how Indiana draws the boundaries for its congressional and state legislative districts. We commend you for prioritizing this critically important process, and for airing this debate before the next redistricting cycle is fully upon us. We commend Secretary of State Todd Rokita, as well, for recognizing the importance of the issue, and for drawing public attention to opportunities for change in the process. We further urge the Committee to ensure that action — that is to say, meaningful reform — follows in a manner as timely as these hearings.

Today, I hope to briefly lay out an overview of the need for reform and some of the more important components that effective reform should incorporate. I will describe the structure of the current system by which Indiana district lines are drawn, noting especially the potential for legislators to influence their own districts' boundaries, and the risks of such a system. I will also briefly lay out alternative structures for drawing district lines that are in place in other states, some of which may prove to be useful models.

I will then propose several specific elements that I suggest should guide you in considering reform, directed at addressing the concerns above: meaningful independence, meaningful diversity, meaningful guidance, and meaningful transparency. We feel strongly that there is no single redistricting archetype that fits all 50 states — a system for Indiana must consider the unique demographics and political issues that confront Hoosiers. Still, we hope that the basic principles we focus on today can provide useful guidance as your deliberations continue.

### **Indiana's redistricting system**

Each state's redistricting system is slightly different, in both design and implementation. As you know, in Indiana, the state legislature has primary responsibility for drawing the lines of both state legislative districts and Congress, subject to gubernatorial veto. For congressional districts, if the legislature cannot agree on a plan by the end of the session in the year that census data is released, a "backup commission" is convened to take over the process: the commission consists of the Senate and House majority leaders, the chairs of the Senate and House apportionment committees, and one gubernatorial appointee. The only further constraints on the process are governed by federal constitutional and statutory law.

The net effect of the particular manner in which Indiana's redistricting system has developed is that, as you know, many Hoosier legislators become extensively involved in determining the bounds by which they and their congressional colleagues are elected. Moreover, this process often unfolds in ways not readily transparent to the public.

Such a process contains substantial flaws. The process of drawing legislative lines affects the interests of individual legislators, the interests of political parties, and the interests of represented communities — or, put differently, the public good. When legislators personally are able to set the lines by which they are elected, there arises a natural temptation to conflate the three, even when those officials act with the purest of motives. That is, even conscientious elected representatives might be tempted to draw electoral lines that insulate their districts from effective challenge and promote their party's fortunes — because they believe themselves and their party best able to serve their constituents.

Such temptations — whether fueled by self-interest or zealous advocacy — weaken the democratic process and blunt the voice of the electorate. By drawing district lines to promote individual and party security, legislators with a hand in the districting process become enmeshed in the task of building districts based on favored constituents and disfavored ones. That is, representatives become involved in the business of choosing their constituents, rather than the other way around.

Just as important is the way that this process looks to the public. Even if some individuals choose to forgo self-interested temptation, a system that encourages legislators to design their own districts fosters the public perception that improper self-dealing is at work.

The appearance of rampant self-interest is driven, in part, by visible outcomes: districts are drawn in bizarre shapes, and elections are won with overwhelming margins. Neither factor

would likely be as worrisome, alone or together, if legislators were not themselves responsible for drawing their own districts. However, with the structural opportunity for self-interest, it looks to many as if the contest has been rigged.

First, consider the appearance of Indiana's legislative districts. In the abstract, a district's shape yields little information about the population therein. Communities conducive to coherent representation rarely emerge in neat geometric patterns. Moreover, fair and effective representation sometimes calls for combining pockets of specific populations into irregularly shaped districts. However, some of Indiana's legislative districts take twists and turns so strange that it appears that the most compelling reason for the district's shape is simple electoral advantage; elections in those districts, often without any major-party challenger, lend support to the intuition that the districts have been drawn to protect particular insiders. If legislators were not themselves involved in constructing the districts, the shapes themselves would give rise to less suspicion. But when legislators draw districts in a process lacking any meaningful transparency, and the districts zig and zag for no obvious reason to produce lopsided majorities, it is natural to assume that the districts are intentionally designed to undermine effective political challenge.

Second, Indiana's recent electoral outcomes also feed the intuition that the districts are drawn for self-protection. After the last redistricting, for example, 50 out of the 100 state House races were not contested by one of the major parties in the 2002 elections. This is worth repeating: *half* of the seats in the state House were not even challenged after the last redistricting, by either Republicans or Democrats. This is at least in part because, on average, those 50 districts were drawn so that they leaned toward one party or the other by an average of 30 percentage points. With districts so heavily slanted, it is not surprising that it is difficult to find candidates willing to mount a meaningful challenge.

As with district shape, the lack of effective competition might not be quite as disturbing if legislators were not drawing their own lines. In many cases, constituents are undoubtedly pleased with the representation they receive, and return incumbents to office by healthy margins. And in order to represent particular distinctive communities, it will often be necessary to link like-minded voters together, which will result in districts that are less competitive. Moreover, legislators like Ron Herrell have shown that it is certainly possible to win an election in districts slanted toward the opposing party, even outside of the portions of southern Indiana where party affiliation is more flexible. Still, half of the House districts without so much as a challenger is an alarming rate for those concerned with democratic choice, and when legislators are in charge of the process, it is difficult to explain the lopsided district composition and the resulting lopsided elections in terms that put the public interest foremost.

## **Alternatives**

There are many alternatives to the status quo already successfully implemented in other states. Some of these alternatives concern the process by which individuals are selected to draw district lines, or guidelines governing where the lines are to be drawn, or both.

### *Who draws the lines*

Five states, for example, employ an advisory commission to help advise the legislature on where state legislative lines should be drawn. The most widely analyzed of these is in Iowa, where the legislature's bureau of nonpartisan civil servants, normally responsible for legal drafting, budget analysis, and technical advice, is charged with preparing drafts of redistricting plans. This bureau prepares a draft redistricting map, which the legislature may accept or reject as is, but may not modify. If the map is rejected, the nonpartisan bureau will try again, with another opportunity for the legislature to vote up or down without change. If the legislature rejects two sets of plans, and the nonpartisan bureau returns with a third map, the legislature is then, on the third try, able to accept, reject, or modify the plan it has given. Since the procedure was put in place in 1980, the Iowa legislature has not used its authority to draw its own maps from scratch on the third attempt.

Other states put even more distance between individual legislators and the redistricting process. For example, seven states — Arkansas, Colorado, Hawaii, Missouri, New Jersey, Ohio, and Pennsylvania — draw state legislative districts with so-called “politician commissions,” distinct from the legislature but on which elected officials may serve as members.<sup>1</sup> Each is designed differently. In Arkansas and Ohio, specific elected officials have designated seats on the commission.<sup>2</sup> In the other states, the legislative or party leadership nominates commissioners, usually with balanced numbers from each party, and sometimes with a role for the Governor or Chief Justice of the state Supreme Court to select nominees or appoint additional commission members.

Six other states — Alaska, Arizona, California, Idaho, Montana, and Washington — draw state legislative districts using an independent commission, with regulations limiting direct participation by elected officials.<sup>3</sup> No member of these commissions may be a legislator or public official; each state also prohibits commissioners from running for office in the districts they draw, at least for a few years after the commission completes its work. Some of the states further limit commission members' direct link to the legislature: Arizona and California, for example, also bar legislative staff from serving on the commission; California, Idaho, and Washington bar lobbyists from serving on the commission as well.

Though each of these states attempts to ensure that commissioners are not beholden to particular legislators, that does not mean that the legislature has no role in the process: each of the above models preserves some ability for either the legislative leadership or the legislature as a whole to select individual commissioners or modify commission lines on the margin. The objective is not to remove politics entirely from the process, but rather to insulate politicians with the most direct self-interest from the appearance that their own personal or partisan fortunes are put ahead of the well-being of their constituents.

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<sup>1</sup> Hawaii and New Jersey also draw their congressional districts through “politician commissions.”

<sup>2</sup> In Arkansas, the commission consists of the Governor, Secretary of State, and Attorney General. In Ohio, the commission consists of the Governor, Secretary of State, and State Auditor, as well as one member chosen by each major party's legislative leadership.

<sup>3</sup> Arizona, Idaho, and Washington also use independent commissions to draw congressional districts. California allows its legislature to draw congressional districts; Alaska and Montana have only one congressional representative, and therefore do not need to draw district lines.

### *Where the lines are drawn*

Other states also present different models for giving guidance to whichever entity is tasked with drawing the district lines, beyond the bare constraints of federal law. Indiana currently presents virtually no criteria for the redistricting process, beyond what federal law requires. Such a blank slate is decidedly outside of the national norm.

Nineteen states, for example, ask redistricting bodies drawing state legislative districts to consider preserving “communities of interest” — communities that share common features relevant to the legislative enterprise.<sup>4</sup> This represents an important means to enhance vigorous representation, making it easier for legislators to speak for distinct groups of constituents with shared preferences, rather than collections of voters with little in common. Such communities are flexibly defined: in Kansas, for example, map drawers are asked to consider “[s]ocial, cultural, racial, ethnic, and economic interests common to the population of the area, which are probable subjects of legislation.”<sup>5</sup> Montana’s guidelines are similarly broad: “Communities of interest can be based on trade areas, geographic location, communication and transportation networks, media markets, Indian reservations, urban and rural interests, social, cultural and economic interests, or occupations and lifestyles.”<sup>6</sup> Alabama adds the helpful reminder that “[i]t is inevitable that some interests will be recognized and others will not, [but] the legislature will attempt to accommodate those felt most strongly by the people in each specific location.”<sup>7</sup>

There are also several coarse proxies for representing communities of common interest that frequently appear in state redistricting guidelines. For example, thirty-eight states require some accounting for political boundaries — county, township, municipal, or ward lines — in state legislative districts; thirteen states impose the requirement on congressional districts. Municipal boundaries, in particular, often approximate shared legislative interests; depending on the state, county or township lines may have a similar function. Most often, state laws that require consideration of political boundaries in redistricting leave flexibility in the mandate, instructing the redistricting body to maintain political boundaries “to the extent practicable.”

Almost as many states — thirty-four in all — use an even rougher proxy for common interest, by requiring their legislative districts to be reasonably “compact”; thirteen states require congressional districts to be compact as well. Here too, state law is usually flexible, without a precise definition of “compactness.” Most courts and commentators understand compactness to refer to a district’s geometric shape; in general, a district in which constituents live more or less near each other is considered more compact than one in which they do not, and a district with a regular convex shape is considered more compact than one with multiple extended tendrils.

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<sup>4</sup> Eight states do the same for their congressional districts. In general, fewer states articulate distinct criteria for drawing congressional lines, simply because the congressional districting process is seldom reflected in state constitutions or statutes.

<sup>5</sup> See Guidelines and Criteria for 2002 Kansas Congressional and Legislative Redistricting, at <http://skyways.lib.ks.us/ksleg/KLRD/Redistrict/documents/Guidelines.pdf>.

<sup>6</sup> Mont. Districting and Apportionment Comm’n, Criteria and Operational Guidelines for Legislative Redistricting, April 18, 2001, at <http://tinyurl.com/montanacomunities>.

<sup>7</sup> Ala. Reapportionment Comm. Guidelines for Legislative, State Bd. of Education & Congressional Redistricting, § IV, at <http://www.legislature.state.al.us/reapportionment/Guidelines.html>.

When compactness is further specified, as it is currently in six states, proposed measures can generally be sorted into three categories. Arizona and Colorado, for example, elevate the importance of contorted boundaries, and focus on the district's perimeter. Michigan and Montana instead focus on dispersion, or the degree to which a district spreads from a central core. California elevates the importance of citizen housing patterns in relation to the district's boundaries, giving more flexibility for district tendrils if they exist in sparsely populated areas. And Iowa embraces both a boundary measure and a dispersion measure, without establishing a preference between them.

Fourteen states, many in the Midwest, supplement the criteria above with a “nesting” requirement, tying the district lines of a state's two legislative houses to each other. In states with a nesting requirement, the districts of the upper house are constructed by aggregating multiple lower house districts (usually two or three), or the districts of the lower house are constructed by subdividing each upper house district. In contrast, without nesting, as in Indiana, the districts of each legislative house are wholly independent; they may follow the same boundary lines, but they need not do so.

In addition to the above criteria, several states attempt to limit the impact of partisanship in the redistricting process. Eight states — California, Delaware, Hawaii, Iowa, Idaho, Montana, Oregon, and Washington — prohibit their redistricting bodies from drawing state legislative districts in order to “unduly” favor a candidate or political party; all but California do the same for Congress.<sup>8</sup> Five states — Arizona, California, Iowa, Idaho, and Montana — attempt to implement the restriction by precluding the consideration of the residence of an incumbent in drawing district lines. Arizona and Washington instruct their redistricting bodies to design districts so that competition is affirmatively encouraged, when practicable, and when doing so would not detract from other state priorities.<sup>9</sup>

Several of the states above also limit the use of further political data, which I understand has received significant attention here in Indiana. Iowa, Idaho, and Montana purport to preclude the use of partisan voter history in drawing districts; New Jersey allows the use of voter history but declares that it may not support deviations from other districting principles; and Arizona states that “[p]arty registration and voting history data shall be excluded from the initial phase of the mapping process but may be used to test maps for compliance” with other priorities.<sup>10</sup>

In considering limits on the use of partisan voter data, it is important to remember that it will almost always be necessary to consider such data in assessing responsibility under the Voting Rights Act. Only with partisan voter history is it possible to tell if racially polarized voting exists to an extent that incurs liability under the Act; if so, only with partisan voter history is it possible to know whether a particular remedy will likely be effective. The Voting Rights

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<sup>8</sup> Idaho's formulation of the requirement is that counties may not be divided in order to protect a party or incumbent. IDAHO CODE § 72-1506(8). If a county must be divided for other reasons (including the equal population mandate), however, it is not clear that a redistricting body would be precluded from drawing these lines for partisan benefit.

<sup>9</sup> ARIZ. CONST. art. IV, pt. 2, § 1(14)(F); Ariz. Minority Coal. for Fair Redistricting v. Ariz. Indep. Redistricting Comm'n, 208 P. 3d 676, 686-87 (2009); REV. CODE WASH. § 44.05.090(5).

<sup>10</sup> ARIZ. CONST. art. IV, pt. 2, § 1(15).



Act’s mandate will therefore supersede state law restricting the use of political data, at least in regions where minority populations present the possibility of Voting Rights Act obligations.

It is also worth noting that restricting partisan voter data does not result in “neutral” partisan consequences, even if it is assumed that those who draw the lines do not understand the partisan implications of their decisions, with or without precise data. Every decision about where to draw the lines will have partisan consequences, most of which are predictable. Recent research by Dr. Michael McDonald of George Mason University, for example, suggests that in several states, a strict constraint to produce maps that follow county boundaries or that maximize certain assessments of compactness will result in plans that produce a statewide partisan imbalance — even to the extent of favoring the state’s minority party with a predictable statewide legislative majority. These sorts of effects will not always be the same nationwide, and it may be that similar constraints produce different results in Indiana. The general point, however, holds: drawing district lines that are ostensibly blind to partisan consequences is not a way to produce districts that achieve partisan fairness.

## **Prospects for reform**

The above overview was intended to lay out the basic landscape for redistricting, in Indiana and beyond. There is much in the current process to generate substantial public suspicion, and much in the process elsewhere in the way of commendable alternatives. I know that various proposals have also been floated in Indiana in the past, many with positive attributes. I would like to close by highlighting four components of the redistricting process in particular that we believe to be crucial in the effort to restore constituents’ faith in the fairness of the districting exercise. All of these aspects can be implemented in various ways either through constitutional change or through statutory reform within the current constitutional structure.

*First, an independent process.* We have already described the appearance of impropriety that results when legislators are intimately involved in drawing their own district lines. For the benefit of the institution as a whole, and for the public good, we encourage the Committee to suggest placing redistricting authority beyond the temptation of individual manipulation. The authority responsible for redistricting in Indiana — and just as important, the staff supporting that process — should be meaningfully independent from undue legislative influence.

We stress the limiting adjective “meaningful” with the understanding that cosmetic independence will not suffice. Meaningful independence means freedom from obligation, influence, and possibly even ex parte contact. Furthermore, meaningful independence may require bipartisan balance to enforce.

There are at least two further substantial caveats to implementing a system that guarantees those who draw the district lines some measure of independence. First, I am not suggesting simply importing wholesale the procedure of another state. Elements of many of these systems discussed above might be productively deployed in Indiana, but they will likely need to be adapted somewhat to Indiana’s particular political climate. Differences between states are meaningful for their redistricting institutions as well.

Two, the fact that Hoosiers should benefit from a meaningfully independent redistricting body does not mean that the state should be carved into neat automated rectangles or circles. District lines serve a community only when they reflect the community, and communities do not evolve with mathematical exactitude. There will still be ample need for political compromise: the arbiters of district lines will be called upon to seek fair and equitable representation for racial and ethnic minorities, and grant representation to real communities of interest spread out in irregular fashion. Independence does not attempt to take the politics entirely out of the redistricting process. Nor, indeed, does it attempt to eliminate politicians' role. The difference is that, in a body with independence, those with a particular incentive to lock out competent challengers are not given unfettered access to the keys.

*Second, a diverse representative body.* The need to reconcile competing and complementary interests in the redistricting process demonstrates the second element of success: the redistricting body must be meaningfully diverse. An independent body that is designed in an exclusionary fashion is not likely to represent an improvement on the status quo. Those responsible for drawing district lines must reflect ample geographic, racial, and political diversity, so as to prevent charges of self-dealing similar to those that have found a foothold in the current system, but on a group level rather than an individual level. That is, the redistricting body must be sufficiently diverse to be legitimate in the eyes of the citizens districted by its action. There is, naturally, no lawful formula that will guarantee diversity across all dimensions. Nevertheless, in a body of substantial size, with some part of the selection process in the hands of those with a political incentive to foster diversity, it should be possible to provide a rich array of constituent representation.

*Third, meaningful redistricting criteria.* We recommend a diverse and independent redistricting body, because without the right set of arbiters, well-tailored goals will fail to produce desirable results. Similarly, without a set of meaningful and workable goals, the ideal group of line-drawers will be left unmoored. A redistricting body must be guided by specific criteria, to adequately assess whether any given plan has succeeded in achieving the public good.

Certainly, any attempt to draw district lines must at least conform to applicable federal law. This includes the Constitutional equipopulation requirement, and the obligation to justify disparities even within a 10% deviation.<sup>11</sup> It also, of course, includes all of the protections of the Voting Rights Act. However, even within these bounds, there are endless permutations of district lines. Any redistricting body requires further agreed-upon criteria to guide its choices and render them legitimate in the eyes of the population.

There are many available options. Some present affirmative requirements, such as the mandate to hew to pre-existing political geography, to develop districts that are reasonably compact, or to draw lines in order to further the representation of particular communities of interest. Others are negative injunctions, such as the obligation to avoid drawing lines in order to disadvantage a particular incumbent or challenger. One stands out as particularly important in the context of the current conversation in Indiana: given our American political commitment to the fundamental principle of majority rule, it is necessary to pay some attention to the likely

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<sup>11</sup> See, e.g., *Cox v. Larios*, 542 U.S. 947 (2004).

partisan balance of a redistricting map, so that a minority of the state's population does not reliably and durably control the majority of the legislature.

The need for clear governing criteria should not be confused with a demand that the criteria in question dictate a particular result. It is a common, but mistaken, instinct to attempt to bind a redistricting body to maximizing one or two readily quantified factors; such a mandate usually produces undesirable unanticipated consequences in particular portions of a state. Rather, the criteria should retain enough flexibility to allow trusted decisionmakers — the diverse and independent redistricting body mentioned above — to apply the overall state priorities to peculiar local circumstances, sensibly and in the broader public interest.

*Fourth, meaningful transparency.* At the moment, most citizens feel excluded from the redistricting process, which concerns not merely public policy, but the aggregation of group interests that are the foundation of all policy discussions. Communities are splintered and electoral fortunes tailored, by and large, without meaningful opportunity for input.

The legislature should commit to making the redistricting process more transparent in 2011 and 2012, with the components common to basic due process protections: public hearings and open meetings, and the opportunity to respond to drafts before they are enacted. The redistricting body should endeavor to make data and even redistricting software broadly available, and allow citizen members of the public to submit full or partial proposals, to inform the primary body's deliberations. These are modest steps indeed for a process so fundamental to democratic representation.

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In reviewing the way in which Indiana's districts are drawn, this Committee has set itself a commendable and necessary task. Citizens strongly support the need to promote independent decisionmaking and remove the taint of potential self-dealing. We believe that the state will be well served by truly meaningful reform, and wish the Committee well in its efforts. As with other states across the country, the Brennan Center stands ready to assist the people of Indiana and their representatives with comparative research, legal analysis, and drafting of particular provisions — among other services — in the interest of furthering redistricting reform. I thank you very much for your time — and I am more than happy to answer any questions that you may have.

**From:** John Cocco  
**Sent:** Monday, April 30, 2018 9:08 PM  
**To:** Christopher Douglas  
**Cc:** Melissa Wojnaroski; Diane Clements; Eric David  
**Subject:** Re: Testimony Regarding Voting Rights

Hello Chris,

I apologize for the late reply. As I'm sure Eric can attest, the time I had available to respond to you during our business hours was quickly consumed by urgent matters with some of our clients. I do, however, very much appreciate your work on this topic as well as the efforts you are making to include perspectives from diverse and disadvantaged populations.

I have worked in mental health and addictions since 2007, and specifically in reentry since 2011. I have a Master of Social Work, and I am in the qualifying exam phase of my doctorate in social work. Throughout my entire experience in social work I have seen a pervasive trend toward a denial of civil rights to this population. This denial is not overt, but rather is couched in a myriad of problematic systems which entrap or exclude people, particularly those who have been incarcerated.

My experience working with individuals returning to the community from incarceration has shown me that they lead very complicated lives upon their release. At best, they are able to find stable housing, employment, and connect to services within days or a few weeks of their return to the community. At worst - and far more common - they struggle through a series of barriers to achieve these goals. For instance, many do not have state issued identification upon release. More than that, they lack the documents required to secure such identification, such as a birth certificate, social security card, or official mail sent to their address. Indiana's requirements to have identification in order to vote means that many of our clients are unable to do so for at least a while after their release. Furthermore, in my experience many of our clients do not vote because they are under the impression they are not allowed to do so due to their convictions. I have had dozens of conversations, at least, informing them they are able to vote and many of them refuse to believe me until I pull up information to contradict their beliefs. On at least two occasions I have had conversations with clients in the BMV branch at the counter with the BMV worker explaining why they should choose to register to vote when they get their identification card or driver's license. In addition to their lack of awareness, many do not believe their vote matters. Their experience with the faceless and seemingly arbitrary criminal justice system becomes representative of *all* government, and they feel as powerless in the voting booth as they did in the courtroom. Finally, many of our clients lead somewhat transient lives during their first months out of incarceration, and are so consumed with the daily stressors they experience that they do not take the time to change their address on their registration or take notice of where they should be voting. Even if they were to do so, or if they had not moved, work schedules and transportation difficulties often make voting too much of a chore for them to make the effort.

This may be beyond the scope of your request, but I would like to make a few suggestions for possible reforms. First, I would like to see an "opt out" rather than an "opt in" process for voter registration. That is, people would be automatically registered when obtaining or renewing their state issued identification cards or driver's licenses unless they consciously chose not to be. Second, adopt a system like that in Oregon, where every registered voter is mailed a ballot prior to election day which can be completed and returned by mail. Oregon has seen consistently high voter participation due to the adoption of this method. Third, a consistent

campaign by criminal justice entities to inform people who are - or have been - incarcerated that they retain the right to vote once they are no longer incarcerated. Fourth, reforms could be made to the BMV system whereby people who have authenticated Indiana Department of Correction identification can automatically be given a state ID card. If we were certain enough of a person's identity to incarcerate them for years in our prisons, we can be certain enough of their identity to give them a state ID upon their release.

I hope you found this information to be helpful. In my experience, the more easily my clients - and others like them - are able to reintegrate into society, the more likely they are to go on to live full, productive, and crime-free lives. From my perspective, protecting their rights only serves to protect our own. I welcome any further questions or requests for information that you might have, and I am grateful for the opportunity to contribute to this discussion.

Sincerely,

John P. Cocco, MSW LSW