



**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

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<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

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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.



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.

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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  
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