

April 29, 2013

The Honorable Mike Pence  
Office of the Governor  
200 W. Washington St, Room 206  
Indianapolis, IN 46204

Dear Governor Pence:

We the undersigned organizations are committed to ensuring that every eligible voter in Indiana has a full and equal opportunity to participate in the election process. On your desk is SB 519, a bill that we believe will limit and discourage participation in the voting process. We are writing to urge your veto of SB519, which passed the Indiana Legislature on April 25, 2013.

While we are always working to make the registration and voting process smoother for both voters and election officials, SB 519 will actually introduce several problematic changes to the current Indiana system.

Changes to Voter Registration Drives:

Voter registration drives have proven to be an indispensable vehicle for expanding the franchise to many new voters, particularly members of demographic groups that have been traditionally underrepresented in America's electorate. The bill under your consideration, SB 519, imposes a number of vague and onerous burdens on individuals interested in participating in community-based voter registration drives.

SB519 uses the term "filed" to define the deadline by which a registration application must be returned to election officials. However, this term is vague and creates confusion. At a minimum, we think the bill should define the term "filed" as either (1) postmarked by the voter registration deadline, or (2) submitted in person to the local election office. Current Indiana law allows applications to be postmarked or submitted through in-person delivery no later than the 29<sup>th</sup> day before the election. Clarification of the term will allow an organization conducting a voter registration drive to be confident in its compliance with the law while working to expand the voter rolls in Indiana.

SB 519 also would require that voter registration forms be amended to require disclosure of the personal information of those assisting in the collection of applications. We believe that a receipt containing the business address of the organization the individual collecting the applications represents, along with the date the application was collected, provides sufficient information for the state and protects the privacy and safety of individuals assisting others in the registration process.

The bill also contains a confusing requirement that an application may be considered incomplete if the collector does not provide the personal information including name, residential address, date collected and signature. The impact of declaring the application incomplete is not clear from the language of the legislation. However, because some incomplete applications are rejected, this provision significantly increases the risk that applications that are “incomplete” only by virtue of this rule will be rejected, potentially violating federal law, even if all of the information pertaining to the applicant is complete and legible. The bill’s lack of clarity on this issue also raises the concern that applicants will be treated differently in different counties.

Another provision in SB 519 would prohibit the state election division from forwarding to county officials “an application that cannot be processed during the period when registration is closed” until a week after the close of registration. This provision is confusing as drafted and should be clarified. Any prohibition on processing applications whose postmark date was before the registration deadline risks disenfranchising an eligible voter and would be inconsistent with the National Voter Registration Act (NVRA). Moreover, applications that may have been received after the book closing from registration drives though no fault of the applicant should not be considered an application that “cannot be processed.”

Mandated Purge Program/List Maintenance/Interstate Matching Changes:

SB 519 would also expand the state’s list maintenance program by mandating comparisons of voter lists with other state databases and expediting removal of Indiana voters who later register in other states. While this may sound like a good idea in theory, technology has not matured to a point where this program could be done without the risk of improperly removing otherwise eligible voters. The bill does not specify which and how many data fields will be used to generate matches with data from other states, or what, if any, security protocols will be put in place to protect the integrity of voter information provided to other states. In 2012, Florida’s and Texas’s experiences with comparing registration data to another database were a failure. For example, Texas attempted to compare registration data to the Social Security Administration death records, leading to thousands of letters notifying live, eligible voters they were presumed dead, based on criteria that even the Texas Secretary of State said were weak.

In conclusion, we thank you for taking the time to consider our significant concerns with SB519. As organizations that work to educate and engage voters in Indiana, we hope you will take our concerns seriously and veto this harmful legislation. Please feel free to reach out to the representative listed below if you have any questions or would like to connect with any of our organizations.

Sincerely,

Common Cause Indiana

Gamaliel

Gamaliel of Indiana

Project Vote

Transforming Action through Power (TAP)