

Statement for the Brennan Center
New York University School of Law
Press Conference
January 4, 2008

The League of Women Voters is a nonpartisan political organization which encourages informed and active participation in government, works to increase understanding of major public policy issues and influences public policy through education and advocacy.

The League has a long history working to encourage participation by all citizens in the electoral process, and it has worked to facilitate the casting of ballots that will be counted. **We believe that the current version of the Indiana Voter ID Law unconstitutionally burdens the individual's right to vote.**

There are two primary concerns the League has related to the Indiana Voter ID Law. First, Indiana voters who do not have photo identification or with unacceptable photo identification are offered a **provisional ballot** which requires them to make an additional appearance before the election board within 10 days to determine if their ballot will be counted. If they were unable to obtain an acceptable photo ID in this time period then the ballot will not be counted. The elderly and disabled who are unable to obtain a photo ID are ultimately forced to complete an absentee ballot instead of voting in person as they have done so all their life.

In addition, many individuals have difficulty and may incur costly fees to obtain the proper ID as they search for birth certificates from other states or small town court houses that do not have computer or older records.

The second issue is that the **enforcement** of this law is determined by political appointees in every small polling place across the state. Training to enforce the law is not consistent. There have been issues of ID s not matching the voter roles related to spelling of a name or use of middle and maiden names. Although the term 'conform' is stressed, defining 'conform' for thousands of poll workers across the state is difficult if not impossible. The poll workers appointed by party appointees have complete control on Election Day to challenge the voter and move them into a provisional ballot process which is time consuming and expensive for the voter.

Acquiring ID

For example, 92 year old Mary Wayne Montgomery Eble is physically capable of voting in person at her local polling place but was unable to do so for the November 2006 election because she lacked proof of identification. She needed to cast an absentee ballot instead.

A few years ago Mary suffered a loss of vision and therefore did not renew her driver's license. Her alternative is to obtain an Indiana ID through the Bureau of Motor Vehicles. The closest BMV is a 45 min. drive from her home. Before this trip could be made, Mary needed to make another one hour round trip to obtain a copy of her birth certificate. She is uncertain however if there is even a copy of her birth certificate available since she was born at home. In addition to her birth certificate she will need to provide two other documents showing proof of residency and identity. Public transportation is not available to Mary in her rural farm area which also directly affects her family

to drive her to these two locations. Mary is the daughter of an Indiana suffragist and she takes her right to vote seriously.

Kim Tillman could not vote in 2007 because the cost of obtaining the documents to then obtain a valid Indiana ID was prohibitive. Raising seven children on her husband's janitor salary is a financial balancing act. Since Kim was born in Michigan, she would have to pay \$26 to obtain a copy of her birth certificate. If she wanted to expedite the process and additional \$10.00 is requested. She could obtain an Indiana ID for free or apply for an Indiana driver's license for \$14.00 once she acquired the proper documents. So in order for Kim to have the proper ID to vote in Indiana, it would cost her \$26.00 - \$50.00. She is hoping to be able to afford this for the 2008 elections. These requirements and hurdles discourage voters from participating in the election process.

Some people go to extraordinary measures to stay with in the law and obtain the proper identification to vote in Indiana but the question is whether or not this law is unconstitutional. Recount Faye Buis-Ewing or Ray Wardell.

Conformity of Names:

Even though Indiana law allows for the correction of names in the voter registration record on Election Day, this Voter ID Law requires that the voter registration record and the ID 'conform', a term that is not defined in the law.

Those with recent name changes have been challenged and required to cast a provisional ballot.

Karen Webster was married one month before the Nov. 2006 election. She arrived at her polling place with a copy of her marriage license and driver's license each bearing her new name and was told she could not change her name on the voter registration roles. She cast a provisional ballot but was unable to visit the clerk's office in the specified amount of time and so her ballot was not counted.

Janice Tingley was required to cast a provisional ballot since her driver's license spelled her name as 'Tingley' and the voter registration roles spelled it 'Tengley'. Other data available should have been sufficient to recognize that this was the same individual however; poll workers have the authority to challenge voters on this discrepancy.

Other examples include hyphenated names.

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