



## STATE OF INDIANA

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June 13, 2008

The Honorable Patrick J. Leahy, Chairman  
Attention Justin Pentenrieder, Hearing Clerk  
Senate Committee on the Judiciary  
224 Dirksen Senate Office Building  
Washington, DC 20510

***BY ELECTRONIC MAIL AND US MAIL***

Dear Senator Leahy:

Thank you for your letter of May 30, 2008, which included written questions from Committee members regarding my testimony at the May 20 Committee hearing regarding "Protecting the Constitutional Right to Vote for All Americans."

I have enclosed responses to the written questions from Senators Feinstein, Kennedy, Kohl, and Schumer.

Thank you very much for your courtesy, and that of the Committee's staff, during my attendance at the Committee's hearing.

Very truly yours,

*J. Bradley King*  
J. Bradley King

**Questions from U.S. Senator Dianne Feinstein to J. Bradley King**

**Following the May 20, 2008 Hearing of the Senate Judiciary  
Committee**

**on "Protecting the Constitutional Right to Vote for All Americans"**

**1. The voter ID law in Indiana says that if a voter has no photo ID, he or she can cast a provisional ballot. But the voter then has to go to the county seat within 10 days to execute an affidavit saying either that they are indigent or that they have a religious objection to being photographed. This trip to the county seat is required each time a person votes – which can mean multiple times per year.**

***• Does the state or county government offer transportation to indigent voters for these trips to the county seat? If not, what services are provided to ensure that these voters can get to the county seat?***

**Response: I do not know whether the state or county government offers transportation to indigent voters for these trips to the county seat or whether other services are provided to ensure that these voters can get to the county seat. Information on this topic has not been compiled by the Election Division.**

Questions from the Office of Senator Edward M. Kennedy  
to Bradley J. King, Co-Director, Indiana Election Division  
Office of the Secretary of State of Indiana

1. How many facilities in the State of Indiana produce IDs acceptable under the Indiana Voter ID Law?

**Response:** I do not know how many facilities in the State of Indiana produce IDs acceptable under the Indiana Voter ID Law. Information on this topic has not been compiled by the Election Division.

Acceptable IDs could be produced by a variety of federal and state offices within Indiana. The state Bureau of Motor Vehicles can be contacted at 100 North Senate Avenue Room N440, 100 N Senate Avenue, Indianapolis, IN 46204 for information regarding the number of BMV facilities that produce such IDs. The United States Postal Service may have information regarding the number of postal service branch offices which assist with the production of passports by the federal government. State-funded colleges and universities located within Indiana may have information regarding the number of locations at which IDs acceptable under the Indiana Voter ID law are produced.

2. How much does it cost to get a copy of a birth certificate in the State of Indiana? (please include record search fees in your answer)

**Response:** Information regarding the cost to get a birth certificate in the State of Indiana (including record search fees) has not been compiled by the Election Division.

The Indiana State Department of Health can provide information regarding the current costs for getting a copy of a birth certificate in Indiana, and any record search fees. The State Department of Health can be contacted at Vital Records, 2 North Meridian St, LL, Indianapolis, IN 46204.

3. How many facilities in the State of Indiana provide copies of birth certificates? Can persons request a copy of their birth certificate from any of those facilities, or only from the State Department of Health or county of their birth?

**Response:** I do not know how many facilities in the State of Indiana provide copies of birth certificates, or whether persons can request a copy of their birth certificates from any of those facilities, or only from the State Department of Health or county of their birth. Information regarding the topic has not been compiled by the Election Division.

The Indiana State Department of Health can provide information regarding the number of facilities that provide copies of birth certificates, and whether a person can request a copy

of their birth certificate from any of those facilities, or only from the State Department of Health or county of their birth. The State Department of Health can be contacted at Vital Records, 2 North Meridian St, LL, Indianapolis, IN 46204.

4. According to the website of the Indiana State Department of Health (<http://indiana.gov/isdh/bdcertifs/faq.htm#VitalFAQ6>), a person must provide 1 to 2 forms of identification to purchase a birth certificate. Is this still accurate? If so, how can a person *without* an ID acceptable under the Indiana Voter ID Law (who needs a birth certificate to *get* an ID acceptable under the Indiana Voter ID Law) purchase a copy of the birth certificate?

Response: I do not know whether the information set forth on the Indiana State Department of Health website regarding this topic was (or is still) accurate. Information regarding the topic has not been compiled by the Election Division.

The Indiana State Department of Health can provide information regarding the accuracy of the information on its website, and can be contacted at Vital Records, 2 North Meridian St, Indianapolis, IN 46204.

5. According to the website of the Indiana State Department of Health, <http://indiana.gov/isdh/bdcertifs/bdcert.html>, if persons are not within traveling distance of the health department in the county of their birth, they must order a birth certificate from the Indiana State Department of Health, and can do so only in person (in Indianapolis), online, or over the phone. If persons choose to travel to Indianapolis, they will incur those travel costs, and can only get a birth certificate Monday-Friday from 9a.m.-2p.m. If individuals cannot travel in person to Indianapolis, they can order the birth certificate by mail, but can pay for the birth certificate only by credit card, check, or money order. If individuals do not have a credit card, they must send a check or money order by mail, adding 15 to 30 days to the turnaround time for receiving the birth certificate, and adding postage and a trip to the post office to the total cost of the birth certificate. If individuals do not have a checking account, they must also travel to a currency exchange or similar business to get a money order.

a. How much is a person without a bank account likely to pay to get a money order?

b. Based on the information on your website, it seems that an individual ordering a birth certificate without a credit card or checking account is likely to pay a total of at least \$12.42

for the birth certificate (\$10 for the certificate search and first copy, \$0.42 for postage, an estimated \$2 for a money order), and will have to make at least one trip to and from the currency exchange and post office. For individuals who are elderly, disabled, and/or poor, won't the costs and logistics of this process act as a deterrent to obtaining appropriate ID under the Indiana Voter ID act?

**Response:** I do not know whether the information set forth on the Indiana State Department of Health website regarding this topic (as characterized in the main paragraph of this question) is accurate. Information regarding the topic has not been compiled by the Election Division.

With regard to subsection (a) of this question, I do not know how much as person without a bank account is likely to pay to get a money order. Information regarding this topic has not been compiled by the Election Division.

I do not know whether the analysis set forth in subsection (b) of this question regarding the cost for obtaining a birth certificate is accurate. The Indiana State Department of Health can provide information regarding the accuracy of the information on its website, and the analysis of costs set forth in subsection (b), and can be contacted at Vital Records, 2 North Meridian St, Indianapolis, IN 46204.

With regard to costs and logistics of the process acting as a deterrent to obtaining "appropriate ID" under the Indiana Voter ID Act, it is impossible for me as the Co-Director of the Indiana Election Division to determine what *will* happen.

Likewise, there are "costs and logistics" associated with every part of the election process, such as voter registration, which may require a 42 cent stamp or a trip to a state or county agency

With regard to what has already happened, I would refer to the State of Indiana's brief in *Crawford v. Marion County Election Board*, which noted:

"The only published study of Indiana voter turnout since implementation of the Voter ID Law shows *no* negative disparate impact on the groups studied by Brace. In his November 2007 study, Jeffrey Milyo of the Truman School of Public Affairs at the University of Missouri reports that "[o]verall, voter turnout in Indiana *increased* about two percentage points" after photo identification." Jeffrey Milyo, Inst. of Pub. Policy, Report No. 10-2007, *The Effects of Photographic Identification on Voter Turnout in Indiana: A County-Level Analysis*, at 1 (Nov. 2007) (emphasis added)... "Furthermore, "there is no consistent evidence that counties that have higher percentages of minority, poor, elderly or less-educated population suffer any reduction in voter turnout relative to other counties." *Id.* at Abstract. Milyo concludes: "The only consistent and frequently significant effect of voter ID that I find is a positive effect on turnout in counties with a greater percentage of Democrat leaning voters." *Id.* at 1.

6. Can persons born outside the State of Indiana, obtain a copy of their birth certificate from the State of Indiana?

**Response:** I do not know whether persons born outside of the State of Indiana can obtain a copy of their birth certificate from the State of Indiana. Information regarding the topic has not been compiled by the Election Division.

7. According to your written testimony, "...an Indiana voter who is 'indigent and unable to obtain proof of identification without payment of a fee' may cast a provisional ballot at the polls without presenting a voter ID. The voter may then personally appear before the county election board by noon, 10 days after election day and execute an affidavit to claim this exemption...[T]he voter's affidavit of indigency is not a continuing exemption, but must be claimed in later elections if it still applies to the voter."

a. How many elections were there in Indiana in the years 2006 and 2007 (please include local, state, and national elections)? How many will there be in 2008? 2009?

**Response:** In 2006, a primary election was conducted in each precinct on May 2, and a general election was conducted in each precinct on November 7. A special election for a single school district was conducted on January 18.

In 2007, a municipal election was conducted on November 6, but only within those cities and towns which had contested elections for an office. A municipal primary was conducted on May 8, but only within those cities and larger towns which were required to conduct a primary, and in which there was a contested nomination. The specific cities and towns in which a municipal primary or municipal election was held are listed at <http://www.in.gov/sos/elections/elections/index.html>

In 2008, there was a primary election conducted in each precinct on May 6, and a general election will be conducted in each precinct on November 4. A special election was conducted in the 7th Congressional District on March 11, and another special election in one town on February 19.

In 2009, no elections are scheduled in Indiana, with the following exceptions: if contested, elections will be held in two towns on November 3 (the towns of Cambridge City and Montezuma), and a special election will be held in one town on March 3 (the Town of Vernon).

b. If an indigent voter wanted to vote in each of those elections, how many times in *each* of those years would an indigent voter need to travel to and from the county election board to file an affidavit of indigent status?

**Response:** In 2006 and 2008, a voter claiming indigent status would be required to travel twice to and from the county election board office to file the affidavit.

In 2007, if this voter happened to live in a city or town which conducted both a municipal primary and a municipal election, then the voter would be required to travel twice to and from the county election board to file the affidavit.

If the voter did not live in a city or town, or lived in a city or town which did not conduct either a municipal primary or a municipal election, then the voter would not be required to travel to and from the county election board office during that year.

In 2009, it is not certain that any election will be held, even within the three towns where an election would only be required if contested.

c. Is that in addition to the times the indigent voter would need to travel to and from the polls?

**Response:** If an indigent voter chose to cast an absentee ballot in the office of the county election board before Election Day, then the voter would not be required to travel to the polls at all. If the voter chose to do so, the voter could cast an absentee ballot at that office during any of the 29 days before Election Day, and at the same time execute the affidavit claiming indigency.

8. The evidence in the Supreme Court case, Crawford v. Marion County Board of Elections, showed that 43,000 Indiana citizens lack voter ID. In fact, even some military veterans are affected, because their U.S. - issued photo IDs do not have an expiration date, and therefore are not sufficient to allow them to vote. Has the state made any effort to identify citizens who may not have photo IDs, particularly persons in rural areas, the elderly, and persons with disabilities, in order to help them obtain the IDs they need to vote? If so please describe those efforts in detail.

**Response:** To clarify one point, I believe that the evidence discussed above did not apply to individuals who are "citizens", but instead compared the Bureau of Motor Vehicles data with Bureau of the Census data concerning voting age population.

With regard to the efforts taken by the State to identify persons in rural areas, the elderly, and persons with disabilities, in order to help them obtain the IDs they need to vote, following the enactment of the Voter ID law in 2005, the Secretary of State convened a task force with representatives from groups who supported, opposed, or simply administered the law, to develop strategies to identify citizens who may not have photo ID. These

groups included members of the Indiana House of Representatives Democratic Caucus and Republican Caucus, the Indiana Senate Democratic Caucus and Republican Caucus, county and state election administrators, Indianapolis City-County government, news media, the NAACP, the League of Women Voters of Indiana, the Military Officers Association of America, Indiana Protection and Advocacy Services, the American Association of Retired Persons, the Purdue School of Nursing, and the Indianapolis Private Industry Council.

The recommendations of this task force were instrumental in identifying the populations who might lack required photo ID, and in developing strategies to assist individuals in obtaining ID.

9. How many provisional ballots were issued during the May 2008 Indiana primary to persons who lacked the required photo identification to vote?

Response: I do not currently know the precise number of provisional ballots cast by persons who lacked the required photo identification to vote. Indiana law requires that county election officials report the total number of provisional ballots cast for *any reason*, which can include not just photo identification issues, but a challenge to a voter based on residency, for example.

The total number of provisional ballots cast for any reason during the May 2008 primary (as reported by the county election boards) was 2,806. This number is significantly fewer than the estimated 3,500 provisional ballots cast based on preliminary surveys referenced in my written testimony at the May 20, 2008 Committee hearing. This number also reflects a continued downward trend in the number of provisional ballots cast in Indiana elections (compared to 5,862 in November 2004, and 3,873 in November 2006).

Indiana law also requires county election officials forward to the Secretary of State a copy of all affidavits resulting in the issuance of a provisional ballot, but does not prescribe a deadline for counties to do so. These affidavits set forth the reason given for a challenge, such as a person not presenting required photo identification. Although some counties have forwarded these copies as of the date of this response, some counties have not yet done so.

How many of those provisional ballots were ultimately counted (i.e. the number of ballots cast by individuals who returned within 10 days with ID to have their vote count)?

Response: I do not currently know the precise number of the provisional ballots (cast by persons who lacked the required photo identification) which were ultimately counted.

Indiana law requires that county election officials report the total number of provisional ballots counted, but this number includes provisional ballots cast *for any reason*, such as a challenge to a voter based on residency, for example. The total number of provisional ballots reported by the county election boards cast in the May 2008 primary which were ultimately counted was 782.

10. Does the state keep a record of the number of individuals who leave the polling place without casting a ballot after learning that photo identification is required to vote? Is this information recorded by any of the local entities that administer elections?

**Response:** No, this information is not recorded by the state, by a county, or by polling place officials administering elections.

An individual can choose to leave a polling place for any number of reasons, such as running out of time to both vote and complete other activities; not wishing to wait in a line; realizing that the individual is in fact ineligible to vote at that precinct; or, in a primary, declining to ask for a specific political party's ballot.

Unless an individual makes a clear, unambiguous statement to polling officials regarding the reason why the individual is leaving the polls, there would be no way to accurately record this information.

## **Protecting the Constitutional Right to Vote for All Americans**

**May 20, 2008**

### **Senator Kohl's written questions to J. Bradley King:**

**1. As Chairman of the Aging Committee, I am concerned about the impact of Indiana's photo identification law on older voters. As you know, many older and elderly voters are less likely than other voters to have the identification required by the photo ID law. In my home state of Wisconsin, 23 percent of people age 65 and older – nearly 200,000 older voters – do not have a driver's license or other photo ID. Making matters worse, many older voters are not able to produce, or would have to undertake burdensome and prohibitive efforts to obtain, the documents required for an appropriate photo ID. In addition, they may lack the mobility to travel to the Bureau of Motor Vehicles to obtain a photo ID or to their county seat to affect the paperwork necessary to have their provisional ballot, cast without a photo ID, counted.**

**a. How many elderly voters or voters with disabilities live in state-licensed facilities without polling places?**

**Response:** I do not know how many elderly voters or voters with disabilities live in state-licensed facilities without polling place. Information on this topic has not been compiled by the Election Division.

**b. Prior to enacting the law, did you determine the number of Indiana voters over age 65 who lack photo ID? Did you study the impact the law would have on these voters?**

**Response:** The Election Division's role is to assist with the administration of elections, not to perform the role of a legislator or policy maker. If, before enacting this legislation, the legislature obtained information or studied the impact of this law regarding elderly voters, I have no knowledge regarding this.

**c. Since enacting the law, have you surveyed older voters to determine how many of people over age 65 have obtained a photo ID needed to vote?**

**Response:** The Election Division's role is to assist with the administration of elections, and not to perform the role of a legislator or policy maker. If members of the legislature or other state agencies surveyed older voters to obtain this information, I have no knowledge regarding this.

**d. What efforts have you taken to encourage or assist older voters in obtaining photo ID required to vote?**

**Response:** The Election Division's role is to assist with the administration of elections. However, other state agencies, particularly the Secretary of State, have made efforts to encourage and assist older voters in obtaining photo ID required to vote. Following the enactment of the Indiana Voter ID Law in 2005, the Secretary of State convened a task force of representatives of groups who supported or opposed the law to assist in developing strategies to identify and assist voters who needed assistance in obtaining photo IDs. This panel included representatives of the American Association of Retired Persons and the Indiana Protection and Advocacy Services. I personally served as a member of this task force. As a result of the recommendations of this panel, the State has expended more than \$1.25 million for outreach to all voters, including older voters, to provide information regarding the requirements of the voter ID law.

**e. What efforts have you undertaken to assist elderly voters to travel to their county seat to affect the necessary paperwork to have their provisional ballot counted?**

**Response:** The Election Division's role is to assist with the administration of elections by county election officials. I have no knowledge of any effort undertaken to assist elderly voters to travel to their county seat to affect necessary paperwork to have their provisional ballot counted. Traditionally, political parties and candidates have provided assistance to voters by providing transportation to the polls on Election Day, but I have no knowledge as to whether parties or candidates continue to offer this assistance to provisional ballot voters.

**2. Given the potential difficulties they may have in obtaining the appropriate photo ID required to vote, Indiana's law has attempted to accommodate older voters by permitting anyone age 65 and older to vote by absentee ballot without having to show a photo ID. However, allegations have been raised that call into question the effectiveness and accuracy of absentee ballots in Indiana. Briefs submitted in support of *Crawford* allege that Indiana's absentee ballots have not always been counted even though they have been submitted in a timely manner. In Indiana's recent primary, voters at a nursing home received incorrect absentee ballots – residents who had requested Democratic ballots received Republican ballots, and vice-versa. If this is the case, I am concerned that older voters who are forced by Indiana's photo ID law to absentee vote are being disenfranchised.**

**a. Do the above allegations undermine your absentee ballot "exemption" for older voters?**

**Response:** No.

Of course, no election conducted by human beings will ever be perfect. Some errors in the distribution of ballots, whether at the polls or through the absentee process, are inevitable. These problems can be reduced by improving poll worker and election official

training. An imperfect election process is not a sufficient reason to remove safeguards which both increase voter confidence and prevent election fraud.

Some absentee ballots which are "submitted in a timely manner" should, nonetheless, not be counted.

The extensive absentee ballot fraud that occurred in Indiana's May 2003 East Chicago primary election, which has since resulted in almost 50 individuals being convicted of election crimes, provides an example of where timely received absentee ballots could (or should) have been rejected as invalid.

**b. How many absentee ballots from the most recent Indiana primary were counted prior to or an election day?**

Response: Indiana law does not permit absentee ballots to be counted *prior to* Election Day.

According to information supplied by county election officials, 185,692 absentee ballots were counted on Election Day or during the ten days following the most recent Indiana Primary. This number equals 11% of the total number of ballots cast at the May 2008 Indiana Primary.

**c. Are you aware of any recent incidents in Indiana in which absentee ballots were deemed invalid or otherwise not counted for reasons unrelated to any fault of the voter? Please describe these incidents.**

Response: Indiana law does not require that incidents in which absentee ballots were deemed invalid or otherwise not counted for reasons unrelated to any fault of the voter be reported to the Election Division. In the absence of any systemic process, the Election Division only receives anecdotal information regarding issues regarding the counting of absentee ballots.

**d. What specific actions are you taking to address these concerns about absentee voting?**

Response: The Election Division has worked with the Office of the Secretary of State to assist with the development of training products and publications for county election administrators and precinct poll workers to provide information regarding the laws applicable to absentee ballots.

## Questions for the Record to J. Bradley King

From Senator Charles E. Schumer

May 27, 2008

1. Are you aware of any election in Indiana where the outcome was affected by in-person voter fraud?

Response: Yes, the May 2003 East Chicago primary election provided several examples of one type of "in-person voter fraud". Several individuals have been charged with voting in person at a precinct where the person no longer resided, and was therefore ineligible to vote in the East Chicago election.

Justin E. Walsh documented an earlier Indiana election which received national attention as the result of in-person vote fraud and the outcome was affected. In *The Centennial History of the Indiana General Assembly, 1816-1978*, at pages 227-229, Walsh writes:

"By the 1880's, the national parties poured... thousands of dollars into Indiana as instances of bribery, importation of voters, and fraud multiplied. The climax came with the presidential election of 1888, when Democrat Grover Cleveland ran against Indiana's own Benjamin Harrison. In that year an attempt by the Republican national committee to purchase the state's electoral votes for Harrison drew national attention to Indiana's corrupt election practices.

On October 31, about a week before the election, the Democratic Indianapolis *Sentinel* published a typewritten letter bearing the signature of William W. Dudley, national chairman of the Republican party. The letter... offered detailed instructions on how to get enough "floaters" --i.e., voters imported from abroad -- voted in Indiana to ensure that the Republican ticket carried the state. On election day, the Democrats carried both houses of the legislature by large majorities but Harrison and Republican gubernatorial candidate Alvin P. Hovey each won by less than 2,400 votes out of a total of more than 524,000 votes.

Ballot reform became mandatory when the Dudley letter focused national attention on Indiana...

\* \* \*

[T]he buying of votes by both parties during the Cleveland-Harrison campaign of 1888 was so open and widespread as to disgrace the state. In 1889 outgoing Democratic Governor Isaac P. Gray spoke of the 'imperative necessity for a revision of the election laws' while incoming Republican Governor Alvin P. Hovey felt that 'we cannot shut our eyes' to charges of fraud and corruption that accompanied every election. Democrats controlled the General Assembly, but both parties were ready to act. Electoral reform bills were introduced in each house and the act passed that made Indiana the second state to adopt a version of the secret ballot developed in Australia earlier in the decade. Thus, passage of 'An Act Concerning Elections' made Indiana a pioneer in election reform. By 1892, thirty-five of forty-four states had adopted some form of the Australian ballot.

\* \* \*

The immediate result was restoration of popular confidence in the integrity of Indiana's election process..."

**2. Are you aware of any case of in-person voter fraud that has been successfully prosecuted in Indiana?**

**Response:**

**At least one individual has been convicted of the type of "in-person voter fraud" that occurred in the East Chicago 2003 election: Raymond Carrillo, who was a health inspector with the City of East Chicago, pled guilty to one count of voting in a precinct in which he did not reside, a Class D felony.**

**The *New York Times*, on page 10 of its January 22, 1915 issue, reported that:**

**"...[United States District Attorney] Karch is planning his campaign [for election crime prosecutions in Illinois] along the lines of that which resulted so successfully in Terre Haute, Ind., and is receiving assistance from the Federal authorities in Indianapolis. Four affidavits revealing the system of vote fraud in the Eighteenth Illinois Congressional District, which were taken by District Attorney Frank C. Dailey of Indianapolis from certain of the eighty-one men who pleaded guilty to Terre Haute corruption, have been received at Danville. One, it is declared, was made by 'Kid' Kizer, a Terre Haute saloonkeeper. Kizer formerly lived in Paris, Ill., and his saloon in Terre Haute was used as the Indiana rendezvous for thirty-one 'floaters,' alleged to have crossed the State line from Paris and voted several times in the Indiana city...."**

**I would also quote the words of Justice Stevens in his opinion in *Crawford v. Marion County Election Board*:**

**"The only kind of voter fraud that [the Indiana Voter ID law] addresses is in-person voter impersonation at polling places. The record contains no evidence of any such fraud actually occurring in Indiana at any time in its history. Moreover, petitioners argue that provisions of the Indiana Criminal Code punishing such conduct as a felony provide adequate protection against the risk that such conduct will occur in the future. It remains true, however, that flagrant examples of such fraud in other parts of the country have been documented throughout this Nation's history by respected historians and journalists... that occasional examples have surfaced in recent years... and that Indiana's own experience with fraudulent voting in the 2003 Democratic primary for East Chicago Mayor... though perpetrated using absentee ballots and not in-person fraud—demonstrate that not only is the risk of voter fraud real but that it could affect the outcome of a close election."**

**3. The nonpartisan Brennan Center did an analysis of 95 voter fraud cases nationwide brought by the Justice Department between 2002 and 2005, and concluded that not one of them was a case of in-person fraud that could have been stopped by a photo ID rule. Do you have any reason to disagree with this conclusion?**

**Response: I cannot evaluate whether the Brennan Center is in fact "nonpartisan" or whether its analysis in this case was objective, rather than result-oriented. Therefore, I cannot assume that its conclusions are correct.**

**4. Under Indiana's law, indigent voters are supposed to cast a provisional ballot and then travel to the county seat within 10 days to file an affidavit swearing that the voter is indigent. A county seat could be many miles from the impoverished voter's polling place.**

**a. Why couldn't voters without an ID complete an affidavit of indigency right at the polling place?**

**Response:** I have no knowledge regarding the actual "legislative intent" regarding this particular provision of the Indiana Voter ID Law. However, the implementation of any new election procedure requires extensive poll worker training, and can result in longer lines, delay, or confusion at the polls.

Administering the affidavit of indigency procedure at a centralized location (such as a county election board office), after Election Day, rather than as part of the sometimes hurried and intense activity in the polls, may reduce errors in the application of the law, and result in more consistent, uniform application of the requirement.

**5. You have said that the voter ID law did not have a measurable impact on voter turnout, based on the small numbers of voters who were forced to turn in provisional ballots, but isn't it true that you do not know how many voters did not show up on Election Day at all, because they did not have the right ID and maybe did not have the time or resources to get one?**

**Response:** I have no knowledge regarding the number of voters who did not show up on Election Day because they did not have a valid photo ID, and chose not to avail themselves of the opportunity to either obtain a free photo ID or to vote absentee, or who chose not to appear at the polls for any other reason.

**6. There was at least one report of polling place workers giving voters the wrong information about the ID requirement, but there may have been many more instances that were not caught.**

**a. Did the Division of Elections do any spot checks to make sure that poll workers were correctly applying the new law, and voters were not being wrongly turned away?**

**Response:** Under Indiana law, none of the Election Division's ten employees are authorized to enter a polling place to observe the conduct of poll workers. However, the Secretary of State, as chief election officer, was authorized to enter polling places, and designated several individuals as deputy Secretaries of State for this purpose. These individuals did make spot checks of several polling places on Election Day, and did not observe any incorrect applications of the voter ID law.