

Legislative Testimony

New State Voting Laws; Barriers to the Ballot?

**Testimony before the Senate Judiciary Committee
Subcommittee on the Constitution, Civil Rights and Human Rights**

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Congressman Todd Rokita

As prepared for delivery:

Chairman Durbin, Ranking Member Graham and members of the Committee, thank you for the opportunity to share my experiences with implementing Indiana's Voter ID law. As you may know, I was the Secretary of State of Indiana for eight years, from 2004-2010 prior to coming to Congress. As Secretary of State, I was also the chief election officer when Indiana's photo ID law was created, helping draft the specific provisions of the bill that became law, and subsequently I oversaw the legal challenges that followed.

Governor Mitch Daniels signed Indiana's voter ID law in the spring of 2005. Indiana's law requires that to vote in person, a voter must present a valid photo ID issued by Indiana or the United States. That ID must have a photo of the voter and an expiration date. No identification is necessary when voting absentee by mail or when voting in person at a precinct located in a state-licensed care facility.

This law was challenged by the Indiana Democrat Party. The case was ultimately decided by the United States Supreme Court in 2008. The U.S. Supreme Court ruled the law constitutional and permitted its continued use in Indiana elections. Most recently, the photo ID law withstood Indiana constitutional challenges before the Indiana Supreme Court. The law is

well settled as to the Indiana voter ID law. Showing a photo ID is constitutional and necessary for a fair election.

NEED FOR THE LAW

Regarding photo identification requirements to vote, the discussion tends to shift to whether there is in fact voter fraud and a need for the law. I can tell you, that after eight years as Indiana's Secretary of State, I can confirm there is voter fraud. Indiana prosecutors and election administrators have dealt with many cases of voter fraud across Indiana for a number of years. Throughout my tenure as Secretary of State, allegations of voter fraud were recorded in Vanderburgh, St. Joseph, Pike, Starke, and Clark counties. In addition, convictions in Madison, Lake and other counties reveal this is not solely an urban or rural crime. Voter fraud is a proven danger that dilutes honest votes and erodes public confidence of our electoral process in all demographics and threatens the foundation of our Republic.

I don't bring up these facts to denigrate Hoosiers or the Great State of Indiana. The people of Indiana in the heart of the Midwest are some of the most hardworking, ethical, and God and Country loving people in the world. But if these examples are just some of what is happening in Indiana, then it is clear to me and I believe clear to the people across this nation, that voter fraud is happening throughout the country, from New York to California.

As Secretary of State, my top priority was to protect the voting rights of our citizens. Not one vote should be cancelled or diluted because of voter fraud and activity that works to defraud the system should not be tolerated. In order to help combat voter fraud and intimidation, my administration worked to ensure that all elections were conducted in a fair and accurate manner.

Opponents of voter ID laws cite the fact that there are not many charges brought or convictions for in-person voter fraud. Make no mistake, the relatively small number of convictions does not mean that voter fraud is not happening. The small number of charges brought is indicative of the nature of the case. In-person voter fraud is hard to prove, witnesses dissipate and these are non violent crimes that don't receive great prosecutorial attention in this era of budget restraints.

Opponents want to focus on criminal charges because it distracts from the underlying principles of the law. The number of charges brought is irrelevant. If you focus on criminal charges and convictions you miss the point entirely. The purpose, which is achieved through voter ID laws, is to instill confidence in the electoral process. We consistently hear people say that voting is one of the most important transactions in which an individual engages. I believe this to be true. We must treat it that way. We must give every citizen who votes that assurance that their time was not wasted. We must give every citizen who votes the assurance that their vote counts as much as any other vote that is cast. Voter ID laws do just that.

BARRIERS TO THE BALLOT

The title of this hearing "Barriers to the Ballot" implies the photo ID law creates a barrier. I reject that notion. Indiana has conducted twelve elections since 2006. **There has never been one person legitimately disenfranchised by our law. Not one!**

Voting is a right, but like every right there comes with it a corresponding responsibility. The voter has a responsibility to be legally registered. The voter has a responsibility to vote for the candidate that best represents his or her values and beliefs. The voter has a responsibility to

make time to vote. The voter has a responsibility to cast a legal ballot. Election administrators are responsible for ensuring that a voter has the opportunity to exercise their right.

In this vein, as Secretary of State, we took the responsibility for implementation and education of the law very seriously. Immediately upon passage, the office began training and outreach efforts to inform local election administrators how to implement the new law and voters on their rights and responsibilities under the new law. Informational literature and publications and training materials were produced to distribute to these groups and the media.

The proof this law is working is in the 12 successful elections and several dozen referenda elections from 2006 through the 2011 Municipal Primary Election Indiana has conducted.

CONCLUSION

Voter ID laws, and the one we specifically implemented in Indiana, are Constitutional, and give greater protection to our voting citizens and integrity of our election process.