

Senator Marsha Blackburn
Questions for the Record to Hon. Todd Rokita
Attorney General of Indiana

1. H.R. 4 would federalize much of election law. Please describe the impact that legislation, if passed, would have on your state's ability to ensure free and fair elections.

H.R. 4 resurrects and expands provisions of the Voting Rights Act's ("VRA") the United States Supreme Court previously struck down for usurping states' authority over elections. H.R. 4 implements practice-based preclearance that requires states and political subdivisions, regardless of whether they are currently covered under VRA, to preclear certain election laws, such as voter identification ("ID") requirements and voter list maintenance laws *before* they can be enacted. Moreover, Indiana may be forced into traditional voting rights act preclearance depending on the number of voting rights violations within the past 25 years. H.R. 4 gives the DOJ new control over state legislatures' ability to pass certain election laws.

The Constitution and the federalist system prohibit the federal government from meddling in states' lawmaking process. H.R. 4 upends this relationship by creating a "Mother May I" process under which states must ask permission from partisan bureaucrats in the Justice Department before certain election laws can go into effect. This would open the door to fraud by preventing commonsense safeguards in the election process.

Indiana's voter ID law became a model for the nation. Since then, 35 states have followed suit in enacting laws to protect the integrity of our elections. H.R. 4 would brand such laws as discriminatory while lacking any actual evidence to back up such claims. H.R. 4 will nullify our photo ID law by allowing those without identification to vote with a sworn statement. And, if Indiana wants to amend or pass nearly any new election law in areas such as voting location, redistricting, or maintenance of voter lists, to name just a few, then Indiana will have to seek approval from DOJ, which is certainly a harm to our republic. A federal takeover of elections will impose unconstitutional mandates on states and reverse the decentralization of the American election process and open the door to fraud and abuse.