



May 1, 2008

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Voting in the Hoosier primary: Come prepared

Introduction

Indiana citizens may face a series of obstacles simply to cast a ballot in the state's primary election on Tuesday, May 6. What's worse, some could lose their right to vote if they are not prepared. The combination of a draconian voter ID law that allows citizens to vote only with government-issued photo identification, the fact that Indiana still deploys paperless electronic voting machines that have been known to malfunction, and the late surge in voter registrations is likely to lead to difficulties on Primary Election Day.

The Supreme Court on April 28 upheld Indiana's two-year-old voter ID law. It requires all voters to present a current photo ID issued either by the state of Indiana or the federal government, or one that has expired since the state's last general election, in this case, Nov. 7, 2006. The law disproportionately impacts young voters, senior citizens and minorities, who are less likely to have the requisite ID.

The potential for problems also exists due simply to the volume of new voters expected at the polls. Nearly 330,000 citizens have registered to vote in Indiana since November 2006, according to the secretary of state's office. That number includes more than 150,000 people who have registered to vote since January.

Finally, more than 2.5 million Indiana voters are expected to vote on paperless electronic voting machines that have a history of unreliability and security problems. That means if a machine fails or malfunctions, and election jurisdictions do not have back-up paper ballots on hand, voters may be turned away at the polls or face long lines.

Despite the potential for challenges and difficulties on Primary Day, Common Cause and the Verified Voting Foundation encourage all registered voters to arm themselves with the proper documentation and to participate in the primary.

To avoid voter disenfranchisement, this report **recommends**:

- Voters must carry an Indiana state or U.S. government-issued photo identification with them to the polls. The photo ID must be either current or have an expiration date some time after the state's last general election on Nov. 7, 2006.
- If a voter does not have an Indiana state or U.S. government-issued photo ID with a relatively current expiration date, she or he is still entitled to vote by provisional

ballot, but must bring a photo ID to the county election board or the county clerk's office within 10 days.

- If a voter is indigent, and does not have a valid photo ID, she or he is still entitled to vote by provisional ballot but must visit the county election office and sign an affidavit as to his or her indigence.
- Students must have a relatively current Indiana state or U.S. government-issued photo ID with an expiration date in order to vote. Students may only use identification from Indiana state schools if there is an expiration date on the card. Student identification from private universities is not acceptable.
- If a voter has recently registered, but does not find his or her name on the list of registered voters, he or she may still have a right to vote on a regular ballot and definitely has the right to vote on a provisional ballot. The voter should ask poll workers to check supplemental voting lists and ask the poll workers to call the county board of elections. As a last resort the voter should ask to vote on a provisional ballot.
- If a voter is at a polling place where voting machines have broken down or failed to start up, he or she should not just leave, but instead request an emergency paper ballot to vote.
- Any voter who experiences problems on or before Election Day should call the Election Protection hotline at 1-866-OUR-VOTE.

The report also recommends to election officials:

- Poll workers should know that if voters do not have the correct ID, they may vote by provisional ballot. However, poll workers must inform voters that their vote will not count unless the voter returns to the county clerk's office within 10 days and presents election officials with an Indiana state or U.S. government issued photo ID
- County clerks should instruct precincts to be stocked with enough emergency paper ballots so that no voter is disenfranchised if voting machines malfunction.
- State and county election officials should distinguish between emergency paper ballots and provisional ballots, since each must be treated differently in the counting process.
- State and county election officials should thoroughly educate poll workers about the use of provisional ballots and voter identification requirements.
- County election officials should make every effort to ensure there are enough machines at each polling place to accommodate unprecedented turnout.

The Indiana Voter ID Law

Indiana's voter identification law, upheld on April 28 by the U.S. Supreme Court, is the most restrictive voter ID law in the country. It requires every voter to present a photo identification issued by the state of Indiana or the federal government. It must either be current, or expired on a date some time after the state's last general election on Nov. 7, 2006. With 200,000 new voters expected to participate in Indiana's Democratic presidential primary, there is little doubt that otherwise eligible voters will be denied the right to vote.

Last year, Indiana's Marion County Board of Elections alone turned away 34 people in municipal elections for lack of photo ID. All of their signatures matched the signatures in the poll books, and 14 had voted in at least 10 prior elections.¹ Additionally, during the last major primary in 2006, Rep. Julia Carson (D-IN), who was seeking to represent Indianapolis for a sixth term, was initially prevented from voting when she presented poll workers with a Congressional ID which had no expiration date.² Poll workers made a phone call to the county election board but could not get in touch with appropriate authorities to approve its use; they ultimately declared it valid.

The ID law effectively acts as a deterrent to certain voters; many voters who would like to participate will know they do not have the proper identification, be unable to pay for or get the documentation in time for the primary, and will not vote. The probability of this occurring is especially high since no one anticipated even a few weeks ago that the Indiana Democratic primary would be so influential.

In Indiana, if a voter does not already have a government-issued photo ID, driver's license or passport with the same name the voter filled out on his or her voter registration (even if the voter has since married and changed his or her name), that voter will encounter a challenge to his or her right to vote. In order to get the so-called free ID the state is offering, a voter has to go to a Bureau of Motor Vehicles office and present a primary document, a secondary document, and a proof of residency, or two primary documents and a proof of residency. The only items that count as primary documents are an original, stamped birth certificate or a passport. Many people do not have their original birth certificate, and only about a quarter of Americans have passports. Voters without access to a birth certificate will have to buy one, which costs between \$12 and \$20 in Indiana, or more if the voter was born out-of-state. This process can take months. Paradoxically, the process for obtaining a birth certificate may require the voter to present identification, the very item he or she is trying to obtain.

Indiana's ID law allows for little recourse. If a voter comes to the polls without the right kind of ID, he or she cannot vote by regular ballot that day. Instead, that voter is given a provisional ballot and told to return to election offices with the necessary ID within 10 days, something

many voters, even if they have the requisite ID, may not be able to do. Indigent voters who arrive at the polls without ID must return within ten days to the county board of elections to fill out an affidavit swearing that they are indigent.

The Potential Impact: Young Voters, Senior Citizens, and Minorities Will Be Denied the Right to Vote

Research has already demonstrated what type of voter is most likely to be disenfranchised by the state's photo ID law. A recent survey of Indiana voters led by a researcher at the University of Washington found that about 13 percent of registered Indiana voters lack the necessary identification required by the state. About 22 percent of young people in Indiana under the age of 34 have no such ID. Almost 20 percent of Indiana voters over 70 years old don't have the necessary ID. Finally, about 28 percent of eligible black voters do not have ID to vote.³

The Impact on Students

Out-of-state college students in Indiana are likely to encounter particular problems voting. According to state law, moving to Indiana for school does not qualify a person to register to vote in the state without intent to permanently reside in their college's county, which can affect automobile registration and insurance.

Additionally, a student ID from a private university will not be accepted as a valid form of identification for voting purposes.⁴ Therefore, students at private schools will not be able to vote unless they have either purchased a new driver's license or obtained some other current, government-issued photo ID listing an Indiana address.

It is possible that even students at the large public institutions, such as Purdue and Ball State, will not be able to use their student ID cards as identification at the polls because those cards lack an expiration date required under the law.⁵ Since students are more likely to be first-time voters, they will be subject to additional identification requirements in order to prove their residency. It seems likely that the state's new ID law will disenfranchise many students in Indiana; students have been turning out in record numbers this election.

The Indiana Voter Law: Needlessly Restricting Voting Rights

Indiana's voter ID law has been championed politically and in the courts as necessary to prevent fraud. Voluminous research has found that the type of election fraud that would be prevented by a voter ID requirement – in-person impersonation of another person at the polls – is rare. In fact, in Indiana's court papers defending the law, the state could not provide one example in Indiana's entire history in which this type of fraud had taken place. Indeed, the U.S. Justice Department has not brought a single case of election fraud in recent years that would have been prevented by this new law.

Machine Reliability Problems

Most voters in Indiana must cast their votes on paperless electronic voting machines known as direct record electronic voting systems (DREs). Nearly 2.5 million voters, or almost 60 percent

of Indiana's voters are registered to vote in counties where only paperless machines are in use. By comparison, about 1.3 million Indiana voters are expected to vote on paper ballots that are optically or digitally scanned.⁶

The fact that so many Indiana voters must use paperless electronic voting machines could be problematic on Election Day. When these machines break or fail to start up, voters will not be able to vote unless they are given emergency paper ballots. In recent Indiana elections, there have been a number of instances when voters have been disenfranchised because no paper ballots were available or voters were forced to wait in long lines because only a few machines were operable. For example:

- In Delaware County on Nov. 7, 2006, the MicroVote touch screen voting machines failed to work in 75 out of the 914 precincts. The blue start cards were programmed incorrectly by MicroVote General Corp. The machines were ultimately fixed and a court order extended voting.⁷
- In Marion County, also on Nov. 7, 2006, touch screen machines provided for disability access were not working in 100 out of 914 precincts. Citizens cast votes on paper ballots.⁸
- Also in Marion County, poll workers could not retrieve votes from the 520 ES&S touch screen machines provided for disability access. Three days later the state's recount commission finally gave permission to include the votes in the final tally. The error occurred due to an incorrect time stamp.⁹
- In LaPorte County, during the 2004 presidential election, electronic voting machines reported that each precinct had exactly 300 registered voters. Election officials did not notice the error until 7 pm on Election night. If there had been 300 voters in each precinct, LaPorte County would have had 22,200 voters, instead of the 79,000 voters who were registered there.
- In Vanderburgh County, in November 2004, voters waited in line for two hours while technicians repaired and replaced machines. In one precinct, three of the four machines were inoperable.¹⁰

Because the majority of voters in Indiana will be voting on paperless voting machines, and these machines have proven reliability problems, every measure should be taken to insure that voters are not disenfranchised when machines malfunction. Indiana state law does not give appropriate guidance to address the incidence of machine failure on Election Day.

For counties with a population of 700,000 or more (this only includes Marion County), state law does not require polling places to keep on hand emergency paper ballots in case of machine failure. The law simply states that if an electronic voting system is out of order or fails to work, the county election board shall be ready to deliver paper ballots, election booths, ballot boxes, and all necessary supplies and equipment as required by law to any precinct in the county.¹¹

In smaller counties, with a population between 400,000 and 700,000 (this only includes Lake County), state law requires only that at least 25 emergency paper ballots be on hand if there are more than 300 registered voters assigned to a precinct. The law calls for only 10 emergency paper ballots if a precinct has less than 300 registered voters.¹²

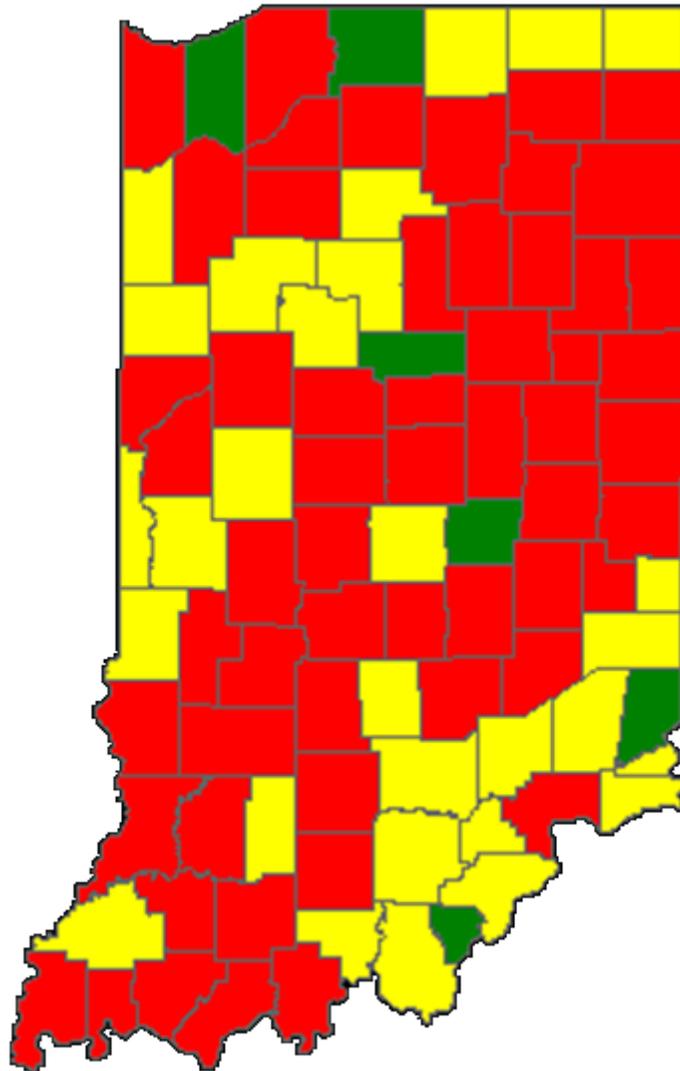
For the rest of Indiana's 90 counties, the law is general and the county clerks have broad discretion about how to serve voters if machines fail. The law affirms that in the event of machine failure, the precinct election board should make the paper ballots available to voters and should obtain them from the county election board.¹³ However, some county clerks have proactive plans in place to furnish over 70 emergency ballots per precinct, others as little as 10, and still others do not have plans to furnish emergency paper ballots ahead of time to the precincts. The old adage "failing to plan is planning to fail" applies here and should be heeded. County clerks should plan ahead. Because the law does not give specific guidance, all county clerks serving in jurisdictions where electronic paperless machines are deployed should make sure that each precinct has enough emergency paper ballots in the event of machine failure. At the very least this should be 10 percent of the registered voters for that precinct.

In past elections, there have been systemic problems that prevented all voting machines in a precinct from starting up or from working properly. Voters have had to leave the polling place without casting a ballot, instructed to return later when the machines were fixed. Voters should not have to wait until voting materials can be delivered. All polling places should be equipped with enough emergency paper ballots on hand to serve every voter, without having to wait in long lines, in anticipation of machine failure.

Conclusion

In a primary election surrounded by so much excitement, especially among new and young voters, the lasting impact of denying people the right to vote is likely to be damaging to future participation. Indiana's new requirements for government-issued photo identification will almost certainly result in eligible voters being turned away, especially among the elderly and students who do not have the proper identification. In addition to the new requirements, the state's use of paperless voting machines without mandated contingency plans that require more preparation for possible machine breakdown or failure is irresponsible and needlessly invites problems on Election Day. County clerks should proactively prepare for machine failure by furnishing precincts with a sufficient number of emergency paper ballots in the event of machine failure.

Indiana Election Equipment 2008



Legend

-  Paper Ballot Voting Systems
-  Mixed Paper Ballot Systems and Paperless Electronic Voting Machines
-  Paperless Electronic Voting Machines

Types of Voting Machine by County

DRE-TS = Paperless Direct Record Electronic Voting Machine with Touch Screen

DRE-PB = Paperless Direct Record Electronic Voting Machine with Push Buttons

DRE-Dial = Paperless Direct Record Electronic Voting Machine with Dial

Optical Scan = Paper Ballots which are counted with Optical Scan machines

County	System	Vendor	Models
Adams	DRE	MicroVote	Infinity
Allen	DRE	MicroVote	MV-464/Infinity
Bartholomew	DRE	MicroVote	MV-464/Infinity
Benton	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Blackford	DRE	MicroVote	MV-464/Infinity
Boone	DRE	MicroVote	Infinity
Brown	Mixed	Election Systems & Software	Optech IIIP Eagle/Infinity
Carroll	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Cass	Mixed	Hart InterCivic	eScan/eSlate
Clark	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Clay	DRE	MicroVote	Infinity
Clinton	DRE	MicroVote	Infinity
Crawford	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Daviess	DRE	MicroVote	Infinity
Dearborn	Paper	Election Systems & Software	Optech IIIP Eagle/AutoMARK
Decatur	DRE	MicroVote	Infinity
Dekalb	DRE	MicroVote	MV-464/Infinity
Delaware	DRE	MicroVote	Infinity
Dubois	DRE	MicroVote	Infinity
Elkhart	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Fayette	DRE	MicroVote	MV-464/Infinity
Floyd	Paper	Election Systems & Software	Optech IIIP Eagle/AutoMARK
Fountain	DRE	Premier Election Solutions (Diebold)	AccuVote-TS R6
Franklin	Mixed	Premier Election Solutions (Diebold)	AccuVote-OS/TS R-6
Fulton	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Gibson	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Grant	DRE	MicroVote	MV-464/Infinity
Greene	DRE	MicroVote	Infinity
Hamilton	DRE	MicroVote	MV-464/Infinity
Hancock	Paper	Election Systems & Software	Model 100/AutoMARK
Harrison	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Hendricks	DRE	MicroVote	MV-464/Infinity
Henry	DRE	Election Systems & Software	iVotronic
Howard	Paper	Election Systems & Software	Optech IIIP Eagle/AutoMARK
Huntington	DRE	MicroVote	MV-464/Infinity
Jackson	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic
Jasper	DRE	MicroVote	MV-464/Infinity
Jay	DRE	MicroVote	Infinity
Jefferson	DRE	MicroVote	MV-464/Infinity
Jennings	Mixed	Election Systems & Software	Optech IIIP Eagle/iVotronic

County	System	Vendor	Models
Johnson	DRE	Election Systems & Software	iVotronic
Knox	DRE	MicroVote	MV-464/Infinity
Kosciusko	DRE	MicroVote	Infinity
LaGrange	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Lake	DRE	MicroVote	MV-464/Infinity
LaPorte	DRE	MicroVote	Infinity
Lawrence	DRE	MicroVote	MV-464/Infinity
Madison	DRE	Election Systems & Software	iVotronic
Marion	Mixed	Election Systems & Software	Model 100/iVotronic
Marshall	DRE	MicroVote	MV-464/Infinity
Martin	Mixed	Election Systems & Software	Optech IIP Eagle/iVotronic
Miami	DRE	MicroVote	Infinity
Monroe	DRE	MicroVote	MV-464/Infinity
Montgomery	Mixed	Election Systems & Software	Optech IIP Eagle/iVotronic
Morgan	DRE	MicroVote	MV-464/Infinity
Newton	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Noble	DRE	MicroVote	MV-464/Infinity
Ohio	Mixed	Election Systems & Software	Optech IIP Eagle/iVotronic
Orange	DRE	MicroVote	Infinity
Owen	DRE	MicroVote	MV-464/Infinity
Parke	Mixed	Premier Election Solutions (Diebold)	AccuVote-TS/OS
Perry	DRE	MicroVote	Infinity
Pike	DRE	MicroVote	Infinity
Porter	Paper	Election Systems & Software	Model 100/AutoMARK
Posey	DRE	Election Systems & Software	iVotronic
Pulaski	DRE	MicroVote	Infinity
Putnam	DRE	MicroVote	Infinity
Randolph	DRE	MicroVote	MV-464/Infinity
Ripley	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Rush	DRE	MicroVote	Infinity
Scott	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Shelby	DRE	MicroVote	MV-464/Infinity
Spencer	DRE	MicroVote	Infinity
St. Joseph	Paper	Election Systems & Software	Model 100/AutoMARK
Starke	DRE	MicroVote	Infinity
Steuben	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Sullivan	DRE	MicroVote	MV-464/Infinity
Switzerland	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Tippecanoe	DRE	Premier Election Solutions (Diebold)	AccuVote-TS R6
Tipton	DRE	MicroVote	MV-464/Infinity
Union	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Vanderburgh	DRE	Election Systems & Software	iVotronic
Vermillion	Mixed	Election Systems & Software	Model 100/iVotronic
Vigo	Mixed	Election Systems & Software	Model 100/iVotronic
Wabash	DRE	MicroVote	MV-464/Infinity
Warren	DRE	Premier Election Solutions (Diebold)	AccuVote-TS R6
Warrick	DRE	MicroVote	Infinity

County	System	Vendor	Models
Washington	Mixed	Election Systems & Software	Optech IIP Eagle/iVotronic
Wayne	DRE	Election Systems & Software	iVotronic
Wells	DRE	MicroVote	Infinity
White	Mixed	Premier Election Solutions (Diebold)	AccuVote ES-2000/TS R-6
Whitley	DRE	MicroVote	Infinity

¹ Staff Report. "Photo ID to Vote? Only if all who are eligible can get one." USA Today. 8 Jan. 2008.

² Kusmer, Ken. "New voter ID law snags Indiana congresswoman." Associated Press State & Local Wire. 3 May. 2006.

³ Barreto, Matt A., Stephen Nuno, and Gabriel Sanchez. "The Disproportionate Impact of Indiana Voter ID Requirements on the Electorate." Washington Institute for the Study of Ethnicity and Race 8 Nov. 2007

⁴ <http://www.in.gov/sos/photoid/> (Accessed 04/28/08)

⁵ <http://www.wthitv.com/global/story.asp?s=8183045> (Accessed 04/28/08)

⁶ <http://www.verifiedvoting.org> (Accessed 04/24/08) and <http://www.in.gov/sos/press/2008/041008.html> (Accessed 04/24/08)

⁷ Brunt, Cliff. "Machine problems, ballot probe mar voting in Indiana counties." Associated Press. 8 Nov. 2006.

⁸ Staff Report. "Voting Troubles Plague Delaware, Marion Counties." The IndyChannel.com. 7 Nov. 2006

⁹ Staff Report. "Disabled Voters Disappointed with Touch-screen Problems." WISH-TV. 10 Nov. 2006.

¹⁰ Elliot, Philip. "Voting machine troubles cause long lines; Abell blames untrained poll workers for troubles." Courier & Press. 2 Nov. 2004.

¹¹ <http://www.in.gov/legislative/ic/code/title3/ar11/ch14.html>

¹² <http://www.in.gov/legislative/ic/code/title3/ar11/ch3.html>

¹³ Bethany Derringer. Email. 30 April 2008.