

## AN OPEN LETTER TO SENATOR YOUNG

*Many of us received the identical response from Sen. Young when we contacted him to support the For the People Act. We would like to make our response to him in turn openly available.*

July 20, 2021

Dear Senator Young:

I am compelled to respond to your letter of July, 2021 justifying your opposition to the For the People Act. My response to this is lengthy, as I will address each of the inaccurate points you offered in defense of your opposition to this critically important piece of legislation.

Before I begin, please know that I am a member of the League of Women Voters in Indiana. The League of Women Voters was founded more than 100 years ago to be a nonpartisan voice for free, fair, and open elections. We neither support nor oppose candidates or political parties at any level of government, but we do stand for issues that are core to our mission: empowering voters and defending democracy. That is why the passage of the For the People Act is a number one priority of all League members.

The For the People Act addresses many of the issues that drive our work. It will reduce barriers, now being erected, to suppress the vote and disenfranchise voters, especially voters of color and the poor. S1 will make it easier for all Americans to register to vote and cast a ballot. It will outlaw partisan gerrymandering of congressional districts. And, it will overhaul our campaign finance laws to amplify the voices of ordinary Americans, combat corruption, and make federal campaign spending more transparent. This act will move us measurably closer to realizing the promise of democracy for all.

My rebuttal will focus on Paragraph 4, your closing paragraph, which says:

Last year, in the middle of a global pandemic, (a) **Indiana saw record voter turnout** and voter confidence in our election results thanks to the dedicated work of state election officials. As we work towards (b) **improving the integrity of our election system**, I have concerns with (c) **federalizing or micromanaging the states' authority over their election processes**. This bill would (d) **take a system that works quite well** and apply (e) **partisan election reforms**, including (f) **gutting Indiana's 15-year-old Voter ID law**, (g) **expanding ballot harvesting**, and (h) **turning the Federal Election Commission into a partisan body**.

(a) **Indiana saw record voter turnout** and (f) **gutting Indiana's 15-year-old Voter ID law**:

You infer by your statement, "Indiana saw record voter turnout," that Indiana's current voting laws already support robust voter engagement; therefore, the For the People Act is unnecessary in the state of Indiana. However, when compared to other states, Indiana's voter turnout for the 2020 election tells a different story. While it is true that the percentage of voters voting in 2020 was higher, Indiana still ranked 43rd among the other states and D.C.

Moreover, all states saw an increase in voter turnout with an average increase of 7.5%. Unfortunately, Indiana saw an increase of only 5%. Low voter turnout is not a new phenomenon for Indiana, as our state is consistently at the bottom in voter turnout when compared to other states. This record is not something of which to be proud and underlines how important the passage of the For the People Act is to Hoosier voters.

“Voter Turnout Rate in the Presidential Election in the United States.” *Statista*, 7 December 2020, <https://tinyurl.com/y57ej7cw/>.

The reasons Indiana’s voter turnout is consistently among the lowest in the nation can, in significant part, be attributed to Indiana’s voter registration deadlines, voter ID law, and other voting structures that create barriers to voting. Indiana’s ID law, adopted in 2005, requires a photo, a name matching a previous voter registration record, and an expiration date. The state’s ID law is one of the most restrictive in the nation--only 6 other states employ such an ID law. Studies have shown such laws can depress turnout rates by 4 to 5 percentage points.

“Voter Identification Requirements/Voter ID Laws.” *NCSL*, 15 July 2021, <https://www.ncsl.org/research/elections-and-campaigns/voter-id.aspx/>.

Furthermore, Indiana ends voter registration 29 days before Election Day, the earliest date allowed under federal law, and Indiana’s 6 P.M. closing of the polls on Election Day is the earliest in the nation, tied only with Kentucky. Both of these barriers serve only to obstruct voting access and reduce voter turnout.

Tribune-Star, Terre Haute. “Voter ID Laws Reduce Indiana’s Election Turnout.” *Journal & Courier*, 20 November 2014, <https://www.jconline.com/story/opinion/columnists/2014/11/20/voter-laws-reduce-indiana-election-turnout/19264145/>.

Compare Indiana to Minnesota, the state with the highest voter turnout in 2020. Minnesota voter ID laws are far less restrictive than Indiana’s and most importantly, Minnesota allows citizens to register to vote on Election Day. States that allow Same Day Registration consistently lead the nation in voter participation. Minnesota also allows college students to register with their student ID, while Indiana has erected an unnecessary barrier allowing state university students to use their university-issued ID, but *not* allowing students who attend private colleges/universities to do the same. Minnesota’s polls close at 7 P.M. on Election Day, and unlike Indiana, any eligible voter can request and cast an absentee ballot.

Passage of the For the People act would immediately improve the state’s voter turnout by removing unnecessary impediments to voting. S.1 would not “gut” Indiana’s ID requirement. It would, however, allow an eligible voter, who does not have the officially required ID, to present a sworn, written statement, attesting to their identity and eligibility to vote, to election officials. It would allow Same Day Registration and expand absentee ballot access, so all eligible voters could vote by absentee ballot. These voting practices are already available to voters in other states, and are favored by most Hoosiers who want easy access to voting.

Wooten, Taylor. “Voter Turnout Roundup: Indiana’s 5% Increase Isn’t Enough to Drag It Out of the 15 Worst States in Turnout.” *The StatehouseFile.com*, 7 December 2020, <http://thestatehousefile.com/voter-turnout-roundup-indianas-5-increase-isnt-enough-to-drag-it-out-of-the-15-worst-states-in-turnout/>.

**(b) *improving the integrity of our election system:***

This seemingly innocuous statement is a threat to our democracy. It covertly conveys that the current election system can’t really be trusted without erecting more onerous hurdles to voting and that the “big lie” just might have merit. Casting shade on “the integrity of our election system” allows states to justify the passage of voter suppression bills, making it harder for “some” Americans to vote while

totally ignoring the facts: extensive challenges have been adjudicated and there was, and is, no proof of voter fraud in the 2020 election.

**(c) *federalizing or micromanaging the states' authority over their election processes:***

For the People Act does not take authority over the electoral process from states. Under S.1, state and local governments would continue to administer all elections, just as they do now, and they would continue to set policies for their jurisdictions beyond what is required by federal law. The For the People Act merely sets baseline standards for voting access in federal contests, as Congress has done many times before.

Even though S.1 does not do this, the Constitution does give Congress the power to completely supplant the states in setting the rules for federal elections. As the late Justice Antonin Scalia wrote in a 2013 Supreme Court decision, the Constitution authorizes Congress to “provide a complete code for congressional elections” if it desires. The For the People Act stops well short of doing so. It would merely ensure that every American has a reasonable opportunity to vote no matter where they live.

Weiner, Daniel and Gareth Fowler. “The For the People Act: Separating Fact from Fiction.” *Brennan Center for Justice*, 13 May 2021, <https://www.brennancenter.org/our-work/research-reports/people-act-separating-fact-fiction/>.

**(d) *take a system that works quite well:***

An election system that works quite well for whom? It certainly is not working well for Indiana which consistently ranks at the bottom in voter turnout.

It is not working well for voters when their voting districts have been drawn to maintain the control of one party by amplifying that party’s power beyond its vote share through partisan gerrymandered voting districts, thus, silencing the voices of a significant number of Hoosiers that are left without representation and no power to create change.

Thomas Jefferson wrote, “Government is the strongest of which every man feels himself a part.” And yet, Hoosiers are not being fairly represented because of the way Indiana’s voting maps have been purposely configured. The numbers show this: In the last two congressional elections, Republicans garnered 57% of the vote, but secured 78% of the seats, while Democrats received 42% of the vote and took only 22% of the seats. In the 2020 election, eight of Indiana’s nine congressional races were won by more than 16 percentage points—there was no competition. It’s no wonder Indiana’s voter turnout was 42nd out of 50 states and D.C. Gerrymandering in Indiana leads to cynicism towards our democratic process.

Harris, Christopher; Marilyn Moran-Townsend; Ranjan Rohatgi. “The Redistricting Process Should Belong to the People.” *South Bend Tribune*, 29 June 2021, <https://www.southbendtribune.com/story/opinion/2021/06/29/we-aim-show-hoosiers-how-redistricting-process-can-work/5320330001/>.

The degree to which Indiana’s voting districts have been gerrymandered was assessed in a recently released study by Dr. Christopher Warshaw, political science professor at George Washington University. He found that Indiana’s maps are more biased towards one party than 95% of all U.S. districting plans (for which data is available) enacted over the last 50 years. Indiana’s maps amplify one political party's power beyond what it deserves, based on their vote share alone. This bias cannot be explained by where voters live.

“Study: Indiana Electoral Maps Among the Most Gerrymandered in U.S.” *Women4Change*, 21 June 2021, <https://www.women4changeindiana.org/redistricting/>.

The League of Women Voters of Indiana, along with other voter advocacy organizations, has long worked to pass reasonable legislation to address how voting maps are drawn in Indiana; but because of supermajority control, none of the reforms to redistricting have been allowed to pass. For the People Act would bring critically needed changes to Indiana’s redistricting process and give Hoosiers a voice in how their voting districts are drawn.

**(e) *partisan election reforms:***

Unfortunately, opponents of the For the People Act are attacking the For the People Act as a partisan “power grab” that would undermine the integrity of the electoral process. This assertion is false and without merit.

Wanting every eligible voter to have equal access to the ballot box is not partisan. Wanting a robust democracy in which everyone has an equal voice and equal representation is not partisan. Wanting to see more elected officials, who reflect the diverse makeup of our country, is not partisan--it is American. Therefore, it is incorrect to label this bill a “power grab” and to mislead constituents.

The key reforms in the For the People Act are modelled from successful practices that have been implemented in red, blue, and purple states. It is false to argue that to pass the For the People Act gives an electoral advantage to the Democratic Party. These measures benefit *all* Americans, regardless of party, especially over the long term. For instance, Republican voters have long taken advantage of both early voting and vote by mail at the same rate as Democrats. Redistricting reforms have helped Republicans. In California, for instance, using map-drawing criteria similar to those in the For the People Act, Republicans won back four of the seven House seats they lost in the 2018 Democratic wave.

Weiner, Daniel and Gareth Fowler. “The For the People Act: Separating Fact from Fiction.” *Brennan Center for Justice*, 13 May 2021, <https://www.brennancenter.org/our-work/research-reports/people-act-separating-fact-fiction/>.

**(g) *expanding ballot harvesting:***

The term “ballot harvesting” is not a legal term and is being used to mislead and evoke a negative response about a benign process that is legal. This term refers to someone collecting absentee ballots on behalf of others and then submitting them. Many states already allow individuals to collect ballots on behalf of others, including Indiana.

The For the People Act says that states "shall permit a voter to designate any person" to return their sealed absentee ballot, as long as the person doesn’t get paid based on the number of ballots returned. It would prevent states from putting a limit on how many ballots any person could return on behalf of others.

The For the People Act language would not significantly alter Indiana’s current law and practice on submitting another voter’s absentee ballot. However, your use of “ballot harvesting” illustrates your willingness to amplify misinformation to discredit this bill and perpetuate the false-narrative surrounding the security of voting by mail/absentee ballots.

Sherman, Amy. "Fact-checking Misleading Attacks on HR1, Democrats' Voting Rights Bill." *PolitiFact-The Poynter Institute*, 3 February 2021, <https://www.politifact.com/article/2021/feb/03/fact-checking-misleading-attacks-hr-1-democrats-vo/>.

**(h) turning the Federal Election Commission into a partisan body:**

Under current law, the FEC has six commissioners--three aligned with Democrats and three aligned with Republicans. Given partisan polarization, this has meant continued gridlock, as well as long stretches where new commissioners aren't confirmed, leaving the FEC short of a quorum for significant actions. The history of this dysfunctional commission indicates exactly why an alternate design is called for.

S.1 redesigns the FEC so that the commission consists of five members: 2 Democrats, 2 Republicans, and 1 unaffiliated member. These five are nominated by the President from retired Federal judges, former law enforcement officials, or individuals with experience in elections. Then the nominees must be Senate-confirmed. This would depart from today's informal practice of having congressional leaders handpick candidates for the job.

For a five-year period before being nominated, the unaffiliated member could not be registered with one of the two major parties, work with or consult for one of the parties, or be a donor, officer, or attorney with one of the parties or its candidates or officials.

For this reason, changing the FEC from a politically-appointed, divisive, and ineffectual commission to a commission of professional civil servants with various expertise in elections and campaign finance law would be a significant improvement over the current practice.

Weiner, Daniel and Gareth Fowler. "The For the People Act: Separating Fact from Fiction." *Brennan Center for Justice*, 13 May 2021, <https://www.brennancenter.org/our-work/research-reports/people-act-separating-fact-fiction/>.

In conclusion, your reasons for opposing the For the People Act do not stand up under scrutiny. More importantly, when you honestly analyze the factors contributing to Indiana's consistent low voter turnout, it has to be acknowledged that Indiana's regressive voting laws are disenfranchising eligible voters and harming our state's democratic process. Indiana, in fact, would greatly benefit from the passage of S.1. *Wanting a robust democracy in which every eligible voter has equal access to the ballot box, and everyone has an equal voice and equal representation should not be viewed as partisan.*

Poll after poll has shown overwhelming public support for S.1. The reforms in this bill: voting rights, campaign finance, ethics, standardization of voting access, and redistricting benefit all Americans and strengthen our democracy.

*You have a historic opportunity to protect and preserve American democracy by passing S.1.*

As a Hoosier and member of the League of Women Voters, I urge you to do the right thing for democracy and our country. Vote to pass S.1 the For the People Act.

Sincerely,