

October 30, 2024

Luke Britt, Public Access Counselor
Office of the Public Access Counselor
Indiana Government Center South
402 West Washington Street, Suite W470
Indianapolis, IN 46204-2745

Re: Public Access Complaint

Dear Mr. Britt:

This Complaint is being filed by the Indiana Citizen Education Foundation, Inc., an Indiana nonprofit corporation, as the owner of *The Indiana Citizen*, an information platform found at www.indianacitizen.org. Since our public launch in 2020, we have been "dedicated to increasing the number of informed, engaged Hoosier citizens." We pursue this important goal through two principal initiatives: accountability journalism and an online voter guide we call a "virtual ballot." Our accountability journalism mission is led by a career journalist, Marilyn Odendahl.

This Complaint addresses a matter of utmost urgency and public concern. Indeed, the withheld public records at issue question the citizenship—and therefore the eligibility to vote—of almost 600,000 Indiana residents with early voting already underway and mere days before the November 5, 2024 general election. The two involved public agencies have already exceeded the "reasonable amount of time [to respond]" contemplated under APRA and the records must be released immediately.

All of the items referred to below are included and attached in the order they are referenced.

The Complaint arises out of a letter sent by Indiana Attorney General Todd Rokita and Secretary of State Diego Morales on October 11, 2024, a Friday, to the United States Citizenship and Immigration Services (USCIS) which attached three lists setting forth the names of 585,774 individuals on Indiana's voter registration roll whose citizenship they questioned. According to the transmittal letter, the three proffered lists contain merely the names and dates of birth of: (1) registered Indiana voters who registered without providing a driver's license number or social security number; (2) registered Indiana voters located overseas; and (3) registered Indiana voters who registered to vote without providing a driver's license number [sic]." It is not clear how Category 3 is not subsumed within Category 1.

For reasons they have not divulged, the Attorney General and Secretary of State waited until October 17, 2024, the following Thursday, to reveal their October 11 letter through separate news releases that included the letter but omitted the three lists.

That same day, October 17, Ms. Odendahl immediately requested the lists via email to the Secretary of State's office, but she received no response. Thus, on October 21, 2024, Ms. Odendahl was urged to and did submit an APRA request to the Office of Attorney General (OAG) seeking the three lists. On October 22, 2024, the receipt of Ms. Odendahl's request was acknowledged by the OAG, as a way to satisfy APRA's seven-day response requirement. In the seven days that followed, Ms. Odendahl received nothing further from the OAG. Accordingly, late yesterday, October 29, Ms. Odendahl submitted by email a follow-up request to the OAG for the records and either a commitment for when the records will be produced or an explanation why they are not being produced. Earlier today, the OAG responded perfunctorily without producing the documents or providing any meaningful explanation, asserting that they are *still searching* for the lists. The Secretary of State today issued a news release defending the October 11 letter, but did not release the lists.

Even the most charitable reading of the timeline shows unequivocally that at least 19 days have passed since the creation of the requested records, and common sense would say they were created long before October 11. As of this filing, hundreds of thousands of Hoosiers have voted. It is now six days until the final day for voting, November 5. Meanwhile, the Attorney General and Secretary of State have arbitrarily created a cloud hanging over 585,774 Hoosiers, alleging--without proof--that some people on the lists are not citizens, and therefore criminals.

Every person on those lists has the right to know whether they are on one. Those who are not on the lists will breathe a sigh of relief and vote without concern. Citizens who are on one of the lists may choose to take steps to prove their citizenship. Non-citizens who are on one of those lists may make the rational choice to remove their names from the voter rolls and not vote.

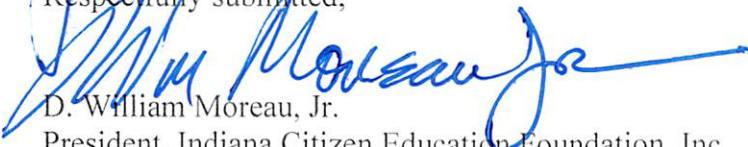
The Attorney General and Secretary of State have provided the people of Indiana no additional information beyond two news releases and the October 11 letter itself, thereby causing speculation about their motives. Is their goal to conceal the lists and wait to see how many and which noncitizens cast an unlawful ballot? Are they trying to frighten naturalized citizens who may be first-time voters from casting a ballot? Are they setting a predicate for asserting a claim that the November 5 election outcomes are not to be trusted? The release of the lists will obviate any such concerns.

This Complaint also exposes a serious defect in APRA, the absence of a deadline for the public agency to respond substantively to an open records request. Thus, Complainant's only recourse is to file this Complaint in the fervent hope the Public Access Counselor deems the delaying tactics of the Attorney General and Secretary of State to have caused an unreasonable amount of time to pass under the unique circumstances they alone created. It is ludicrous and offensive to suggest they cannot yet *locate* the lists.

We respectfully request the Public Access Counselor order the Attorney General and Secretary of State to release the three lists immediately so that almost 600,000 of us will know if we are on one of them.

The undersigned has sent a courtesy copy of this Complaint to the Office of the Attorney General.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "D. William Moreau, Jr.", with a long horizontal flourish extending to the right.

D. William Moreau, Jr.

President, Indiana Citizen Education Foundation, Inc.

Publisher, *The Indiana Citizen*

bill.moreau@indianacitizen.org

317.370.1505



October 11, 2024

Ur M. Jaddou
Director
U.S. Citizenship and Immigration Services
5900 Capital Gateway Drive
Camp Springs, Maryland 20746

Dear Ms. Jaddou:

The Offices of the Indiana Attorney General and Secretary of State request the assistance of the United States Citizenship and Immigration Services ("USCIS") in verifying the citizenship status of certain individuals registered to vote in Indiana. As voters in our state cast their ballots in the coming weeks in important federal, state, and local races, it is essential that they do so with confidence in the integrity of our elections. It is beyond question that states have a compelling "interest in protecting the integrity and reliability of the electoral process." *Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181, 191 (2008). "[P]reventing voter fraud" and thereby ensuring "public confidence in the integrity of the electoral process," are priorities that should be pursued vigorously at all levels of government in our country. *Id.* at 197. They are essential to the proper functioning of our constitutional Republic. One of the chief ways that we can pursue these goals is by confirming that every person registered to vote in Indiana is a U.S. citizen. Therefore, we ask, pursuant to 8 U.S.C. § 1373, that USCIS verify the citizenship status of the individuals registered to vote in Indiana who are identified in Attachments A, B, and C of this letter.

As the Attorney General and Secretary of State of Indiana, we are tasked in various ways with safeguarding the lawful and orderly administration of Indiana elections. *See, e.g.*, Ind. Code § 3-6-4.1-22; Ind. Code § 3-6-3.7-1; Ind. Code § 3-7-26.3-10. Ensuring that our elections are conducted in accordance with state law means, among other things, keeping ineligible voters off our state's voter rolls. *See* Ind. Code § 3-14-2-10. We take that responsibility seriously.

Under federal law, it is "unlawful for any alien to vote in any election held solely or in part for the purpose of electing a candidate for the office of President, Vice President, Presidential elector, Member of the Senate, [or] Member of the House of Representatives." 18 U.S.C. § 611(a). Federal voter registration laws require the form for federal elections to state "each eligibility requirement (including citizenship)." 52 U.S.C. § 20504(c)(2)(C)(i). Likewise, falsely claiming to be a citizen to register to vote or to vote in a federal, state, or local election constitutes a federal felony punishable by up to five years in prison. *See* 18 U.S.C. § 1015(f).

Similarly, Indiana law prohibits non-citizens from voting. Ind. Code § 3-7-13-1. Our State Constitution expressly reserves the franchise to citizens. *See, e.g.*, Ind. Const. Art. 2, § 2(a) (“A citizen of the United States, who is at least eighteen (18) years of age and who has been a resident of a precinct thirty (30) days immediately preceding an election may vote in that precinct at the election.” (emphasis added)). And Indiana statutes governing voter registration make clear that a person must be a “United States citizen” to register to vote. Ind. Code § 3-7-13-1. Attempting to register or assisting someone else to register to vote when the registrant is not an eligible voter are crimes under Indiana law. *See* Ind. Code § 3-14-2-1 & 2.

In addition, Indiana is obligated by federal law to “perform list maintenance” on its statewide voter registration list—including removing voters “who are not eligible to vote” from the voting rolls. 52 U.S.C. § 21083(a)(2)(A) & (B). Indiana law also requires Indiana election officials to take steps to verify the residency and citizenship of registered voters. *See* Ind. Code § 3-7-38.2-16; Ind. Code § 3-7-38.2-7.3. State election officials are further directed to remove ineligible voters from the voter rolls under various circumstances. *See, e.g.*, Ind. Code § 3-7-46-1; Ind. Code § 3-7-45-1; Ind. Code § 3-7-38.2-1.

Under current law, there is no single method for verifying to a reasonable degree of certainty the citizenship of all Indiana voters. We therefore seek to utilize all tools at our disposal to verify voters’ citizenship and help ensure the integrity of our state’s voter registration system. One of those tools is provided by federal law, which requires USCIS to “respond to an inquiry by a . . . State . . . government agency, seeking to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law.” 8 U.S.C. § 1373(c). Federal law also prohibits USCIS from “in any way restrict[ing], any government entity or official from . . . receiving from [USCIS] information regarding the citizenship or immigration status, lawful or unlawful, of any individual.” *Id.* § 1373(a). That means USCIS cannot restrict its own officers and employees from responding to our request for citizenship verification. Information provided by USCIS in response to this inquiry can then be used by Indiana state and local officials to remove ineligible voters from our voter rolls. *See Arizona v. Inter Tribal Council of Arizona, Inc.*, 570 U.S. 1, 15 (2013) (explaining that states may “deny[] registration based on information in their possession establishing the applicant’s ineligibility” (quotations omitted)).

Accordingly, we formally request that USCIS fulfil its obligations under 8 U.S.C. § 1373(c) and verify the citizenship of the individuals identified in the attachments to this letter. The attached lists of registered voters include all voters currently registered in Indiana who completed their registration without submitting a state-issued form of identification. *See* Ind. Code §§ 3-7-33-4.7. Although possession of a state-issued identification does not demonstrate that a person is a citizen, the fact that a person obtained such identification provides some assurance that their citizenship or immigration status may have been previously confirmed by a state official. *See* Ind. Code § 9-24-

11-5(c) (requiring the Indiana Bureau of Motor Vehicles to issue temporary identifications to an individual who has temporary lawful status.”).

For each individual for whom we seek verification, we have provided the name and date of birth. That information is sufficient to allow USCIS to verify these individuals’ citizenship status through use of USCIS’s Person Centric Query Service. In total, we seek citizenship verification for 585,774 individuals. We have separated the individuals who are the subject of our request into three categories: (1) registered Indiana voters who registered without providing a driver’s license number or social security number (Attachment A); (2) registered Indiana voters located overseas (Attachment B); and (3) registered Indiana voters who registered to vote without providing a driver’s license number (Attachment C). We request that USCIS provide us with verification of the citizenship statuses of these individuals in this order priority—first providing verification for the individuals in Attachment A, followed by verification of the statuses of the individuals’ listed in Attachments B and C.

The last day to register to vote in Indiana was October 7. Election Day is a little over three weeks away. We are thus at a critical juncture in this election cycle when verifying the integrity of Indiana’s voter rolls is of acute importance. Because “the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political rights,” Hoosiers deserve to know that only eligible voters will be participating in our elections, and that their votes will not be diluted or distorted by ballots cast by non-citizens. *Reynolds v. Sims*, 377 U.S. 533, 562 (1964). We ask that you assist us, as you are required to do by law, in giving the citizens of our state that assurance.

Thank you for your prompt attention to this important request.

Sincerely,



Todd Rokita
Indiana Attorney General



Diego Morales
Indiana Secretary of State

[citizenship-status-of-indiana-voters.ics](https://events.in.gov/event/secretary-of-state-diego-morales-asks-us-immigration-to-confirm-citizenship-status-of-indiana-voters.ics)) □ (<https://events.in.gov/event/secretary-of-state-diego-morales-asks-us-immigration-to-confirm-citizenship-status-of-indiana-voters.ics>)



Office of Indiana Secretary of State Diego Morales

200 W. Washington St. Indianapolis, IN 46204

FOR IMMEDIATE RELEASE

Thursday, October 17, 2024

Secretary of State Diego Morales Asks U.S. Immigration to Confirm Citizenship Status of Indiana Voters

INDIANAPOLIS - (October 17, 2024) – In response to concerns from voters and local election administrators, Indiana Secretary of State Diego Morales filed a request with the United States Citizenship and Immigration Services (USCIS) to verify the citizenship status of registered voters in Indiana who lack state issued identification. The request focuses on a limited number of individuals who registered to vote in the upcoming election without providing a state-issued form of identification.

The Indiana Secretary of State, with assistance from the Indiana Attorney General's office, aims to work with USCIS to determine if there are non-U.S. citizens on the state's voter registration rolls. Verification was also requested for citizenship status information on individuals who requested an absentee ballot to vote in Indiana from other countries locations. Indiana County Clerks voiced concerns about potential non-U.S. citizen voting after a significant increase in individuals located outside of the U.S. registering to vote and requesting absentee ballots.

County election officials will be notified if USCIS specifically identifies non-U.S. citizens on their voter registration lists. The Secretary of State does not have authority to challenge voters or update voter registration status or lists.

"A fair and secure election process begins with accurate voter information," said Secretary of State Morales. "As Indiana's Chief Election Officer, I am committed to ensuring that every registered voter in Indiana has met the legal requirements, including being a U.S. citizen. I'm proud to partner with Indiana's Attorney General in taking proactive steps to gather missing information for those who completed their registration without a state-issued ID. This is crucial to maintaining the integrity of our elections and increasing public confidence. Only U.S. Citizens can vote in Indiana. Period," said Diego Morales, Indiana Secretary of State.

"Hoosiers deserve to know that only eligible voters are participating in our elections and that legitimate ballots are not being diluted by non-citizens," Todd Rokita, Attorney General. "We are doing our part to provide this assurance."

The move reflects the state's commitment to maintaining accurate voter rolls and ensuring **only eligible U.S. citizens** participate in Indiana's elections. Here is a [link \(https://content.govdelivery.com/attachments/INAG/2024/10/16/file_attachments/3035377/2024.10.%20Citizenship%20Verification%20Request.pdf\)](https://content.govdelivery.com/attachments/INAG/2024/10/16/file_attachments/3035377/2024.10.%20Citizenship%20Verification%20Request.pdf) to the Citizenship Verification Request.

-30-

Media Contact – Lindsey Eaton 317.775.8909 or [leaton1@sos.in.gov \(mailto:leaton1@sos.in.gov\)](mailto:leaton1@sos.in.gov)

Event Details

Event Type

[Press Releases \(/search/events?event_types%5B%5D=34006056633355\)](/search/events?event_types%5B%5D=34006056633355)

Calendar

[Agency \(/search/events?event_types%5B%5D=34731297000171\)](/search/events?event_types%5B%5D=34731297000171) [SOS \(/search/events?event_types%5B%5D=34733410537068\)](/search/events?event_types%5B%5D=34733410537068)

Group

[Indiana Secretary of State Diego Morales \(/group/sos\)](/group/sos)

Contact Name

Lindsey Eaton

Contact Phone

317.775.8909

Attorney General Todd Rokita and Secretary of State Diego Morales seek verification that Indiana voters are U.S. citizens

Attorney General Todd Rokita and Secretary of State Diego Morales are asking the U.S. Citizenship and Immigration Services (USCIS) to verify the citizenship status of voters who registered in Indiana without providing state-issued forms of identification.

"Hoosiers deserve to know that only eligible voters are participating in our elections and that legitimate ballots are not being diluted by noncitizens," Attorney General Rokita said. "We are doing our part to provide this assurance."

Attorney General Rokita and Secretary Morales sent USCIS Director Ur M. Jaddou lists of certain voters who registered without state IDs — along with a joint letter formally requesting the agency's assistance in verifying those individuals' citizenship status.

"A fair and secure election process begins with accurate voter information," said Secretary Morales. "As Indiana's Chief Election Officer, I am committed to ensuring that every registered voter in Indiana has met the legal requirements, including being a U.S. citizen. I'm proud to partner with Indiana's Attorney General in taking proactive steps to gather missing information for those who completed their registration without a state-issued ID. This is crucial to maintaining the integrity of our elections and increasing public confidence. Only U.S. Citizens can vote in Indiana. Period."

Federal law requires USCIS to respond to inquiries from state government agencies "to verify or ascertain the citizenship or immigration status of any individual within the jurisdiction of the agency for any purpose authorized by law."

The letter is attached.

As part of a multistate coalition, Attorney General Rokita is also pressing federal authorities in another letter to provide a plan for how they will verify voters' U.S. citizenship status in response to state requests. Ohio and South Carolina are leading that effort.

A headshot of Attorney General Rokita is available online (<https://links-2.govdelivery.com/CL0/https:%2F%2Fwww.in.gov%2Fattorneygeneral%2Fimages%2FTodd-Rokita.jpg/1/0101019299b60c41-8e77f87c-6a63-4b79-b39f-752498ff7136-000000/gnYKWLEW5ZUp6nnCBIA1dnUyQH8EIU8YoRkgA2F4hs=375>).

From: **Marilyn Odendahl** <marilyn.odendahl@indianacitizen.org>

Date: Thu, Oct 17, 2024 at 2:46 PM

Subject: media inquiry - USCIS letter

To: Eaton, Lindsey <LEaton1@sos.in.gov>

Hello Lindsey

I have one question regarding the letter sent jointly by the Indiana Secretary of State and the Indiana Attorney General to the US Citizenship and Immigration Services. The letter requests the USCIS verify the citizenship of 585,774 individuals currently on Indiana's voter rolls.

My Question:

1) If USCIS does not respond (neither confirming nor denying citizenship status of any or all names on the list) will the 585,774 individuals be allowed to cast a ballot whether in early voting or on Nov. 5?

My deadline for reporting is 5 pm today. Any help you can provide will be appreciated.

Thank you

Marilyn

--



Marilyn Odendahl | interim editor

Phone: 317-771-7902

marilyn.odendahl@indianacitizen.org |

indianacitizen.org

From: **Marilyn Odendahl** <marilyn.odendahl@indianacitizen.org>
Date: Thu, Oct 17, 2024 at 3:03 PM
Subject: media inquiry - another question about USCIS letter
To: Eaton, Lindsey <LEaton1@sos.in.gov>

Hello Lindsey

I apologize; I hit send before I double checked my notes.

In addition to my question in the previous email (will the 585,74 voters be allowed to cast a ballot if the USCIS does not respond), I would like the list of 585,774 names.

Please pass along the list of names or let me know why they are not publicly available.

Thank you
Marilyn

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Marilyn Odendahl | interim editor
Phone: 317-771-7902
marilyn.odendahl@indianacitizen.org |
indianacitizen.org

From: **Marilyn Odendahl** <marilyn.odendahl@indianacitizen.org>
Date: Mon, Oct 21, 2024 at 11:57 AM
Subject: Re: media inquiry - USCIS citizenship verification
To: ATG Press <Press@atg.in.gov>

Thank you, Josh.

I appreciate your help and will file the APRA.

Marilyn

On Mon, Oct 21, 2024 at 11:51 AM ATG Press <Press@atg.in.gov> wrote:
Hello Marilyn,

If you could put this request the document in the form of an APRA, we could help.

Thanks,

Josh DeFonce
Media Director
Office of Attorney General Todd Rokita
p: 317-232-6288
joshua.defonce@atg.in.gov

From: Marilyn Odendahl <marilyn.odendahl@indianacitizen.org>
Sent: Monday, October 21, 2024 11:44 AM
To: Eaton, Lindsey <LEaton1@sos.IN.gov>; ATG Press <Press@atg.in.gov>
Subject: media inquiry - USCIS citizenship verification

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello

I am writing in regards to the announcement last week from the Indiana Secretary of State and the Indiana Attorney General about asking the USCIS to verify the citizenship status of 585,774 Hoosier voters in advance of the Nov. 5 election.

The Indiana Citizen is requesting a copy of that list of 585,774 names. Can the SOS and AG provide a copy of that list or will the SOS and AG be publicly releasing that list this week?

Any help you can provide will be appreciated.

Thank you
Marilyn

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Marilyn Odendahl | interim editor

Phone: 317-771-7902

marilyn.odendahl@indianacitizen.org |

indianacitizen.org

21 October 2024

Office of the Indiana Attorney General
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204

Dear General Rokita

Pursuant to the Access to Public Records Act (Ind. Code 5-14-3), I am requesting the list of 585,774 names the Indiana Attorney General's office and the Indiana Secretary of State's office sent to the U.S. Citizenship and Immigration Services on Oct. 11, 2024.

According to the letter sent to USCIS director, Ms. Ur M. Jaddou, you and Secretary Morales are asking the federal agency to verify the citizenship status of 585,774 Hoosier voters to protect the integrity of Indiana's elections and the reliability of the electoral process.

I understand I may be charged a copying fee. Please inform me of that cost prior to making the copy. I can be reached at marilyn.odendahl@indianacitizen.org.

According to the statute, you have seven days to respond to this request. If you choose to deny the request, you are required to respond in writing and state the statutory exception authorizing the withholding of all or part of the public record and the name and title or position of the person responsible for the denial.

Thank you for your assistance on this matter.

Respectfully,

Marilyn Odendahl
Interim editor
The Indiana Citizen
Indianacitizen.org
marilyn.odendahl@indianacitizen.org

OFFICE OF THE ATTORNEY GENERAL
STATE OF INDIANA



302 W. WASHINGTON ST. IGCS 5TH FLOOR
INDIANAPOLIS, IN 46204-2770

TODD ROKITA
ATTORNEY GENERAL

October 22, 2024

Marilyn Odendahl
marilyn.odendahl@indianacitizen.org

RE: Public Records Request received October 21, 2024

Dear Ms. Odendahl:

This letter formally acknowledges receipt of the above-referenced request, which was received by the Office of the Indiana Attorney General via email on October 21, 2024. You specifically requested the following:

"list of 585,774 names the Indiana Attorney General's office and the Indiana Secretary of State's office sent to the U.S. Citizenship and Immigration Services on Oct. 11, 2024."

This letter serves as the required response within seven (7) calendar days of receipt of your request pursuant to the Indiana Access to Public Records Act, Ind. Code § 5-14-3, *et seq.*, ("APRA"). We are in the process of reviewing our records and will make all responsive and disclosable records available to you within a reasonable time period. If there are any responsive records that are not disclosable, we will provide you with a written statement of the statutory grounds for any such denial as required under the APRA.

We will advise you as soon as possible of any copying fee for disclosable records. Pursuant to Indiana Code § 5-14-3-8(c), our office is permitted to charge a copying fee of ten cents (\$0.10) per page, as applicable. We will advise you further when our review of documents is completed. If you have any questions regarding this records request, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "William H. Anthony". The signature is fluid and cursive.

William H. Anthony
Chief Counsel, Advisory Division

From: Marilyn Odendahl <marilyn.odendahl@indianacitizen.org>
Sent: Tuesday, October 29, 2024 7:30 PM
To: Croft, Celeste <Celeste.Croft@atg.in.gov>; DeFonce, Joshua E <Joshua.DeFonce@atg.in.gov>
Subject: media inquiry - follow up on APRA request

EXTERNAL EMAIL: This email was sent from outside your organization. Exercise caution when clicking links, opening attachments or taking further action, before validating its authenticity.

Hello Celeste

I am writing to follow up on your communication of October 22, 2024, in which the Indiana Attorney General's office acknowledged receiving my October 21, 2024 APRA request for the voter registration records the Attorney General and Secretary of State sent to the United States Citizenship and Immigration Services (USCIS) on October 11, 2024. The AG and SOS sent 585,774 names to the federal government asking for verification of their citizenship. According to The Indiana Citizen's legal counsel, the records sent are clearly public records which the AG and SOS have obviously already prepared and could easily release since the three lists with all the names were attached to the USCIS letter.

I am requesting the Attorney General's office provide a date for when the lists of 585,774 names sent to the USCIS will be released or an explanation for why the lists will not be released.

With one week until Election Day, it is vital you release the lists immediately.

Thank you

Marilyn

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----- Forwarded message -----

From: **Croft, Celeste** <Celeste.Croft@atg.in.gov>

Date: Wed, Oct 30, 2024 at 10:36 AM

Subject: RE: media inquiry - follow up on APRA request

To: Marilyn Odendahl <marilyn.odendahl@indianacitizen.org>, DeFonce, Joshua E
<Joshua.DeFonce@atg.in.gov>

Dear Ms. Odendahl:

Good morning.

The Indiana Access to Public Records Act requires a reasonable response time and considers a number of factors including, but not limited to: the size of the public agency, the size of the request, the number of pending requests, the complexity of the request, and any other operational considerations that may reasonably affect the public records review process. Please see Opinion of the Public Access Counselor 18-FC-46. Our office processes these requests in the order that they are received.

We will email you any disclosable records when our search is complete and there is no charge associated with that type of production.

Thank you. Have a good day.

Celeste Croft, CP, MBA, JD Candidate (2028)

Executive Assistant/Operations Coordinator

Advisory Division

Election Trust and Integrity is My Duty as Your Secretary of State

As Indiana's Chief Election Officer and as an immigrant elected to a statewide office, my duty is to do everything I can within my authority to ensure that our elections are conducted in a lawful, accountable, and trustworthy manner for all Hoosiers.

It's entirely appropriate for election administrators, starting with myself, to respond to concerns that non-U.S. citizens can register to vote and vote, under what is basically an "honor system" for the citizenship qualification. Concern about the ease at which a non-citizen may register to vote and cast a vote, have been expressed to me directly from voters and local election officials, and is not far-fetched or unreasonable.

There has been a critical outcry from some, that not relying of the "honor system" for U.S. Citizenship is somehow mean spirited or unpatriotic. I disagree. I'm sure virtually no respectable Hoosier would try to sneak into a Taylor Swift concert, or attend a Colts game, or board a commercial airline, without a ticket, or carrying a prohibited item. Still, despite our trust in people's honesty, it's virtually unquestioned that everyone attending a concert or game, or boarding an airplane, will be asked for their ticket and screened for dangerous, prohibited items. Asking everyone is not discriminatory, accusatory, mean-spirited, or unpatriotic – it's basic common sense.

In another context, President Ronald Reagan once famously said "trust but verify". Asking 70,000 Colts fans to show their ticket and pass security screening is not a challenge to their integrity or an effort to lower game attendance. Likewise, unobtrusive screening for non-U.S. citizens who may have intentionally or unknowingly registered to vote is not casting dispersion on all who are eligible to vote.

People would not visit a doctor or hospital, board a commercial airline, or entrust their child to a licensed daycare center, if they did not have confidence that government agencies had done their duty to assure that everyone conducting those activities met required qualifications. As a matter of duty, and in the interest of integrity and assurance, government should respond to any reasonable concern that any government regulated provider may lack required qualifications.

I do not believe or suspect that 585,774 non-citizens are on Indiana's voter registration list. I know for a fact however, that there are some non-U.S. citizens on Indiana's voting rolls who have been issued a government ID which would allow them to vote.

As a naturalized immigrant myself, I know the process to U.S. Citizenship. I know that federal and state laws for resident aliens, parolees, even illegal migrants, have holes that can be exploited for voting. Here are a few real examples:

Recently, a non-citizen contacted my office explaining that he had registered to vote, and wanted to know how to cancel his registration, which he recognized was illegal and might derail his hopes for immigration. He was directed to a state form to complete and submit for that purpose.

The question remained, how had he become registered in the first place? His voter file included a completed and signed voter registration form. In Box 10, where an individual attests that they are

a citizen, he had correctly checked "NO". Pursuant to law his completed registration form was forwarded to a county voter registration office, where a clerical mistake entering his information into the computerized voter registration database had been made. This was not the individuals fault.

A second example came directly from a County Clerk. A registered voter in her district asked if they needed to be a citizen to vote. The Clerk explained the law, and through the conversation discovered that the individual had been unintentionally prompted to register to vote during a visit to an Indiana BMV branch.

This example is the most common way that non-citizens end up on Indiana's voter registration list. The National Voter Registration Act provides that most federal and state government agencies that provide services or assistance to the public must inquire about voter registration and offer forms and assistance with registering. Some government agencies provide aid and assistance to individuals in need, without regard to residency, immigration status, or citizenship.

Additionally, related to identifications, in Indiana a resident non-citizen, a college student or a member of the U.S. military for example, both of which I was before becoming a naturalized citizen, may obtain separate identifications that can be used for voting purposes.

Before I became a naturalized citizen, I recall visiting a BMV branch and being asked if I wanted to register to vote. I knew enough English to say no, others however, may lack sufficient English comprehension to understand what was being asked or the ramifications.

Indiana has been a model for election laws, and frankly, I don't anticipate learning that many non-citizens have landed on our voter registration rolls. Still, voter concerns about non-citizens unfettered access to registration and voting exists, and even looms large for the important upcoming election. I'm not about to dismiss Hoosier's concerns without first inquiring into the facts.

My sincere hope is that USCIS will respond to my request to confirm citizenship for Indiana registrations made without credentials that can help confirm U.S. citizenship. Hopefully the activity will demonstrate to concerned Hoosiers that the issue is relatively small and limited. I hope that this can serve to increase confidence in our elections and among our citizens.

When you vote on Election Day, I hope you will see "Indiana Voters Bill of Rights" posters in English and Spanish displayed at your polling location as well as signs laying out some basic requirements to vote: an unexpired government issued photo ID, and U.S. citizenship.

During the first 22 months of my term as your Secretary of State hardly a day has passed that I have not devoted some time and effort encouraging eligible Hoosiers to register to vote and to vote in our elections. I hope more Hoosier voters than ever vote on November 5th, including a record number of naturalized Hoosiers like me, and that they do so with confidence that my office has done all that it can to ensure the integrity of our elections.

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