



FOR IMMEDIATE RELEASE:

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**Senator Feinstein, Representatives Brady and Lofgren
File Amicus Brief in Supreme Court Supporting
Balanced Ballot Access and Integrity in Federal Elections**

*- Lawmakers say Indiana's voter photo-ID requirements
are inconsistent with, and preempted by, federal law -*

Washington, DC – U.S. Senator Dianne Feinstein (D-Calif.), Representative Robert Brady (D-Pa.) and Representative Zoe Lofgren (D-Calif.) have filed an amicus curiae brief in the U.S. Supreme Court arguing that Indiana's photo-identification requirements for federal elections are inconsistent with federal law and create unfair obstacles to voting.

Senator Feinstein is Chairman of the Senate Rules and Administration Committee; Representative Brady is Chairman of the House Administration Committee; and Representative Lofgren is Chairman of the House Elections Subcommittee.

“The Indiana statute subjects voters to multiple and inconsistent requirements to exercise the right to vote,” Senator Feinstein said. **“The federal law allows flexibility in establishing voter identification. Indiana's statute improperly attempts to trump federal law by restricting that flexibility. As a result, some Indiana voters may be required to show multiple forms of identification in order to comply with the state laws.”**

“It is our responsibility to encourage full participation in elections,” Representative Brady said. **“I am pleased to join with Senator Feinstein and Rep. Lofgren in challenging the Indiana law and the extent to which it may disenfranchise voters.”**

Representatives Lofgren added, **“We passed the ‘Help America Vote Act’ which President Bush signed. It wasn't the ‘Keep Americans from Voting Act.’ Allowing states to insist on unreasonable ID requirements, that are not permitted under federal law, disenfranchises Americans and also creates a situation where Americans get to vote if they live in some states, but are denied their fundamental right as Americans to vote if they live in other states.”**

The brief filed yesterday argues that Indiana State law is inconsistent with, and preempted by, the federal Help America Vote Act of 2002. The Federal statute mandates certain identification requirements only for first-time voters who register to vote by mail. The Federal identification requirements can be satisfied by a number of alternative documents enumerated in the law.

In comparison, the Indiana law limits the right to vote to those possessing an Indiana State or Federal photo identification with an expiration date. Additionally, it places that burden and other burdens on first-time voters who register to vote by mail. Without display of one or both categories of identification, voters will not be able to cast their ballot and have that vote counted.

The Indiana law is unique in its restrictions for voter registration, voting, and counting the vote. And studies show that many citizens, especially the elderly, minorities and economically disadvantaged voters, do not have this kind of photo identification.

The Help America Vote Act was carefully crafted to consider the identification requirements, and the limited identification requirements struck a balance between ballot access and ballot integrity.

Senator Feinstein and Representatives Brady and Lofgren objected to the Indiana law because it eliminates that balance. The Members believe this case is crucial because many individuals may not have the specific type of identification that Indiana requires.

The text of the Amicus Curiae brief may be found on Senator Feinstein's website at <http://feinstein.senate.gov>.

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