

Nonpartisan Voting Rights Organizations Warn Indiana State Election Officials that Discriminatory Citizenship Check Law Violates Federal Law

INDIANAPOLIS, IN: Chicago Lawyers' Committee for Civil Rights, national Lawyers' Committee for Civil Rights Under Law, and William R. Groth and Daniel Bowman of Bowman & Vlink, LLC, alongside Indiana nonpartisan civic organizations Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference, [have sent a notice of violation](#) of the National Voter Registration Act (NVRA) to the Indiana Secretary of State's office and the Indiana Election Division co-directors. Indiana enacted a new voting provision that goes into effect on July 1, 2025 ([Section 17 of 2024's HEA 1264](#)), which requires voting officials to compare the statewide voter registration file with the Indiana Bureau of Motor Vehicles' (BMV) list of temporary credentials in a flawed attempt to verify voter citizenship. This type of cross-checking outlined in the law is unnecessary, vulnerable to errors, and adds yet another barrier that may prevent eligible Indiana voters from exercising their right to vote.

This provision in HEA 1264 is one of several far-reaching and harmful policies that Indiana has advanced or enacted in recent years to address an unsubstantiated myth of non-citizen voting. Only United States citizens may vote in state and federal elections and there is overwhelming evidence that shows that non-citizens neither vote nor attempt to vote. In fact, every Indiana voter confirms their citizenship under risk of legal consequences for falsifying information, and if a non-citizen were to falsely claim to be a citizen to vote, they could be deported. The NVRA was enacted to protect U.S. citizens from discriminatory and unfair registration laws, particularly those that negatively impact eligible voters from historically marginalized communities.

"The reality is that non-citizens are not voting in our elections and the citizenship check provision of 2024's HEA 1264 will be harmful for voter access," said Ami Gandhi, director of the Midwest Voting Rights Program with Chicago Lawyers' Committee for Civil Rights. "By relying on flawed data matching processes that use outdated BMV records, and requiring citizenship verification under tight deadlines, this law increases the risk of wrongful voter purges. This is a violation of the National Voter Registration Act and creates unnecessary hurdles that only naturalized citizens—and no U.S.-born citizens—will have to endure to exercise their right to vote."

"Voting is a fundamental right which all Americans must be able to exercise free from unnecessary burdens," said Ryan Snow, counsel with the national Lawyers' Committee for Civil Rights Under Law. "Requiring new citizens—but not U.S.-born citizens—to take extra steps to prove their citizenship, all based on outdated and inaccurate BMV data, is a violation of federal law and risks disenfranchising thousands of eligible voters."

"Federal and Indiana statutes expressly prohibit non-citizens from registering to vote or voting, and prescribe severe penalties for willfully doing so," said William R. Groth of Bowman & Vlink, LLC. "No doubt this is why no non-citizen in Indiana has been charged with, much less convicted of, voting illegally. HEA 1264 is a solution in search of a non-existent problem. It will disenfranchise many Hoosier citizens and severely burden thousands more who are forced to

spend hours complying with its stringent, unnecessary, and unlawful proof-of-citizenship requirements.”

In addition to requiring officials to compare the voter registration list with the outdated and inaccurate BMV list of temporary credentials previously issued to non-citizens, individuals who are identified as “potential non-citizens” would be sent a letter and given just 30 days to provide proof of citizenship or else they will be removed from the voter rolls. Given the unreliable nature of the BMV database, this process is likely to mis-identify large numbers of naturalized citizens and require them to provide proof of citizenship, which places an unnecessary burden on this specific community while U.S.-born citizens will not be misidentified and forced to provide the same information.

“U.S.-born citizens would not face the same barriers while naturalized citizens would be required to jump through additional hoops to register to vote,” said Julia Vaughn, Executive Director of Common Cause Indiana. “Indiana already struggles with low voter turnout—it doesn’t make sense to impose new barriers.”

“The provisions of HEA 1264 will create additional discriminatory hurdles for a specific group of eligible voters,” said Linda Hanson, President of the League of Women Voters of Indiana. “Every eligible voter, regardless of where they were born, deserves an equal opportunity to make their voice heard.”

“A majority of Asian American eligible voters are naturalized citizens,” said Melissa Borja, Co-Chair of Hoosier Asian American Power. “The changes introduced by this law will harm the community we serve and unfairly prevent them from exercising their right to vote.”

“Requiring proof of citizenship to register to vote disproportionately impacts communities of color,” said Sadie Harper-Scott, President of NAACP Indiana State Conference. “Many eligible voters, including Black people and people of color, may not have access to the documents that are being required in HEA 1264. This will suppress voter participation, not protect democracy.”

The nonpartisan voting rights organizations are asking for Indiana’s compliance with the NVRA. Should Indiana fail to respond and correct these violations within 90 days of receiving this notice, the nonpartisan voting rights organizations may proceed with litigation.