UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA DEMOCRATIC PARTY,  

Plaintiffs,  

vs.  

CAUSE NO: 1:05-CV-0634-SEB-VSS  

TODD ROKITA, et al.,  

Defendants.  

WILLIAM CRAWFORD, et al.,  

Plaintiffs,  

vs.  

MARION COUNTY ELECTION BOARD,  

Defendant,  

and  

STATE OF INDIANA,  

Intervenor.  

Affidavit of Edmund M. Mahern

Edmund M. Mahern, being first duly sworn upon his oath, deposes and says:

1. I am a member of the Indiana House of Representatives. I was first elected by the voters of House District 97 in 1996, and I have served the citizens of that district continuously since that date. From 1996 to the present I have been a member of the House Elections Committee. I served as the Chairperson of that committee in 2003-2004 and since January 2005 I have been the ranking minority Democratic member of that

EXHIBIT:
committee. I reside at 2707 Allen Avenue, Indianapolis, Indiana 46203-5104.

2. I was intimately involved in virtually all aspects of the legislative process leading to the enactment of Senate Enrolled Act 483. During the floor dates in the House of Representatives concerning this measure, I and other members of the Democratic minority caucus repeatedly asked the bill’s majority party sponsors whether the requirements for photo identification of all registered voters was designed to address any concrete or documented instances of imposter voting. I specifically recall the measure’s Senate Republican sponsor, Sen. Victor Heinold (R-Kouts), being asked whether he was aware of or could point to any evidence that the existing means of verifying a voter’s identity needed to be changed because of evidence that even a single voter in the history of Indiana had ever been charged with or convicted of the crime of misrepresenting identity for purposes of casting a fraudulent vote. Sen. Heinold acknowledged that he was aware of no such evidence other than a third-hand anecdotal account from a person who claimed to have been approached by a precinct committee person with an offer of how to vote up to three times on election day. Sen. Heinold provided no specifics, but I do recall that he indicated that his source later declined to cooperate with law enforcement officials and that local police did investigate but no charges were ever filed. Secretary of State Todd Rokita, who also testified in committee, also acknowledged he conducted no investigation of this alleged matter.

3. During the legislative process, I can say without hesitation that SEA 483's sponsors presented no evidence of fraud in connection with in-person, on-site voting
which the photo ID bill was purportedly designed to address. I am also aware of no such
evidence of voter fraud which was presented either in committee hearings or on the floor
of the Indiana Senate at the time SEA 483 was debated and voted upon. The only
election fraud anyone ever mentioned occurred in connection with absentee balloting,
which SEA 483 excludes.

4. During the legislative process I and other Democratic legislators proposed
various amendments to SEA 483 or its nearly identical counterpart which originated in
the House. Among those amendments, one that Rep. Scott Pelath (D-Michigan City)
introduced would have expanded the number and type of documents that a voter could
present, including documents the U.S. Congress deemed acceptable when it passed the
Help America Vote Act ("HAVA"). That proposed amendment was defeated on a
straight party-line vote. One of my amendments would have allowed voters without
photo identification to execute an affidavit that the voter was the same person whose
name appeared on the poll list. I and other Democratic legislators expressed concern that
having a photo ID would not prevent a voter registered in more than one county from
voting more than once in multiple counties. Each of these amendments was defeated on a
straight party-line vote.

5. During my entire nine (9) year tenure as a member of the House Elections
Committee, no legislator or interest group had ever come before our committee indicating
there was any problem or evidence of fraud in connection with voters casting on-site, in-

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person ballots on election day. Prior to the 2005 session of the Indiana General Assembly, no bill requiring voters to produce a form of photo identification at the polls had ever been offered by any legislator or, to the best of my knowledge, introduced as a bill.

6. When SEA 483 was argued before the House Elections Committee, a large number of advocacy groups appeared before our committee and testified in opposition to the measure. Included among those opponents were Indiana Common Cause, the Indiana League of Women Voters, the United Auto Workers, the Indiana State AFL-CIO, and various advocacy groups for homeless and disabled persons. Besides various elected Republican officials and officeholders, including as Secretary of State Todd Rokita, the only group I recall appearing before the House Elections Committee to testify in favor of SEA 483 was the Indiana Chamber of Commerce.

7. When Secretary of State Rokita testified before the House Elections Committee, I and other members of the Democratic minority quizzed him about any evidence he had that would demonstrate the need for this type of legislation. The only response I recall from him was that he had read in the newspaper about a group of individuals who lived in Kentucky but who had registered to vote in Evansville. However, he did not claim that any of those persons had actually voted during the 2004 election. I recall someone from our side of the aisle asking whether, in his capacity as the chief election officer for the State of Indiana, he had sought to have any investigation commenced into that matter. I do remember being left with the impression that neither he
nor or anyone else had conducted any investigation into that matter.

Further affiant sayeth not.

Edmund M. Mahern

STATE OF INDIANA )
COUNTY OF MARION ) SS:

Subscribed and sworn to before me, a Notary Public, in and for the State of Indiana, County of Marion, on this __th day of ________, 2005.

Jennifer M. Everson
Notary Public

County of Residence: Marion
My Commission Expires: 12/19/08