

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

LEAGUE OF WOMEN VOTERS OF
INDIANA; COMMON CAUSE INDIANA;
HOOSIER ASIAN AMERICAN POWER;
and EXODUS REFUGEE IMMIGRATION,

Plaintiffs,

v.

DIEGO MORALES, in his official capacity as
Secretary of State for Indiana; JOSEPH E.
MCLAIN, in his official capacity as Co-
Director of the Indiana Election Division;¹ and
ANGELA M. NUSSMEYER, in her official
capacity as Co-Director of the Indiana
Election Division,

Defendants.

Civil Action No. 1:25-cv-02150-MPB-MJD

**PLAINTIFFS' REPLY IN SUPPORT OF THEIR MOTION FOR
PRELIMINARY INJUNCTION**

¹ Since the initiation of this case, Joseph E. McLain has succeeded the originally named Defendant, J. Bradley King, as Co-Director of the Indiana Election Division, and the former is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d).

INTRODUCTION

Absent injunctive relief, thousands of eligible Indiana voters face disenfranchisement in the upcoming general election under the Challenged DPOC Provisions’² discriminatory voter-registration requirements. Defendants do not rebut Plaintiffs’ showing that the Provisions violate federal law, that they will be irreparably harmed absent preliminary relief, that the balance of equities is in their favor, and that an injunction is in the public interest. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *see* Dkt. 85, at 12-13.

ARGUMENT

I. PLAINTIFFS ARE LIKELY TO SUCCEED ON THE MERITS.

A. Plaintiffs Have Standing

Defendants offer no serious standing argument. Their opposition, Dkt. 94, at 7-14, largely repeats their motion-to-dismiss theory, *see* Dkt. 30, at 5-10, while ignoring or mischaracterizing record evidence showing that Plaintiffs meet each standing requirement.

1. Plaintiffs Have Suffered Injury-in-Fact

Plaintiffs suffered injury-in-fact because Defendants’ conduct “perceptibly impair[s]” their “core business activities.” *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982); *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 395 (2024). Plaintiffs help eligible Hoosiers, including naturalized and derived citizens, register to vote and participate in civic life. Dkt. 85, at 12. The Challenged DPOC Provisions forced Plaintiffs to divert resources to train staff, develop new informational materials, and help affected voters register and cast ballots. *Id.* Plaintiffs’ testimony confirms those diversions: HAAP curtailed “a wide range of activities that are significant to [its]

² Abbreviations and defined terms have the same meaning as in Plaintiffs’ Memorandum of Law in Support of Their Motion for Preliminary Injunction, Dkt. 85, and Plaintiffs’ Brief in Opposition to Defendants’ Motion To Dismiss, Dkt. 62. Exhibit numbers are as referenced in the accompanying Reply Declaration of William R. Groth in Support of Plaintiffs’ Motion for a Preliminary Injunction.

mission.” Dkt. 95-1, at 81:15-19. CCIN is “diverting” time “away from other work” to address the Challenged DPOC Provisions. Dkt. 95-3, at 48:18-21. LWVIN has mobilized local Leagues to do outreach to affected communities. Dkt. 95-2, at 25:8-13. And Exodus has updated its regular staff training. Dkt. 95-4, at 14:12-15. These types of changes to core, voter-registration activities give rise to standing. *See, e.g., Common Cause Ind. v. Lawson*, 937 F.3d 944, 949-57 (7th Cir. 2019); *Get Loud Ark. v. Jester*, 171 F.4th 1058, 1064 (8th Cir. 2026); *Vote.org v. Callanen*, 89 F.4th 459, 470-71 (5th Cir. 2023); *Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1341-42 (11th Cir. 2014).

Defendants miscast Plaintiffs as “advocacy organizations” that “manufacture[] standing” by “advocat[ing] against new laws,” Dkt. 94, at 10—a theory *Alliance for Hippocratic Medicine*, 602 U.S. at 394–95, forecloses. Unlike that plaintiff, which sought standing based on its “costs to oppose” government action, Plaintiffs provide “counseling service[s]” to support eligible Hoosiers in voter registration. *See* 602 U.S. at 394–95; *see, e.g.,* Dkt. 17-2 ¶¶ 4-5; Dkt. 17-3 ¶¶ 5-7; Dkt. 17-4 ¶¶ 4-6; Dkt. 17-5 ¶ 5. Plaintiffs’ injury is spending limited resources to revise materials, train volunteers, and help voters overcome statutory barriers—not advocacy against them.

Nor are Plaintiffs’ diversions “trivial” or “based on speculation.” Dkt. 94, at 10. Injury-in-fact is “qualitative, not quantitative,” *OCA-Greater Hous. v. Texas*, 867 F.3d 604, 612 (5th Cir. 2017), and even a “postage fee of \$3.95” suffices, *Mack v. Resurgent Cap. Servs., L.P.*, 70 F.4th 395, 406 (7th Cir. 2023). Plaintiffs have incurred far more cost, and the evidence Defendants cite confirms concrete disruptions, including money and time spent creating fliers, slides, and trainings. Dkt. 94, at 10-12; *see, e.g.,* Dkt. 17-2 ¶¶ 6-11; Dkt. 17-3 ¶¶ 10-13; Dkt. 17-4 ¶¶ 6-8; Dkt. 17-5 ¶¶ 6-8; Dkt. 95-3, at 26:13, 27:21-23 (spending money and staff/volunteer hours to create flyers); Dkt. 95-1, at 35:2-8 (creating slides about the Challenged DPOC Provisions); Ex. 1, Borja Tr. at 122:7-125:5 (developing and conducting trainings); Dkt. 95-2, at 19:7-15, 21:12 (spending hours

creating flyers). The Seventh Circuit does not—contrary to Defendants’ contention—require a “seismic shift” to establish standing. *Common Cause Ind.*, 937 F.3d at 954 (finding standing where plaintiff made a poster and online resource “encouraging voters to check their registration” (*id.* at 952)). Defendants’ argument that Plaintiffs’ actions are speculative also lacks merit. Indiana has flagged thousands and rejected hundreds of applications; indeed, one affected voter has already contacted LWVIN. Dkt. 85, at 8-9; Dkt. 95-4, at 19:6-13; Dkt. 95-2, at 22:11-24. But Plaintiffs need not await further voter harm—let alone outreach *from* voters—before reaching out *to* voters to address impending disenfranchisement. *Common Cause Ind.*, 937 F.3d at 957.

Defendants also argue that post-filing diversions cannot show injury. Dkt. 94, at 11. But Plaintiffs documented concrete injury at filing. *See* Dkts. 17-2, 17-3, 17-4, 17-5. Post-filing evidence of ongoing harm is properly considered at the preliminary-injunction stage. *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 561 (1992); *Spuhler v. State Collection Serv.*, 983 F.3d 282, 285 (7th Cir. 2020). In any event, the Challenged DPOC Provisions continue to generate newly flagged registrants, compelling ongoing resource diversion. *See Common Cause Ind.*, 937 F.3d at 954.

Thus, Plaintiffs have demonstrated that they have suffered injury-in-fact.

2. Plaintiffs’ Injuries Are Redressable

Standing also requires injuries “likely to be redressed by a favorable ruling.” *Dep’t of Com. v. New York*, 588 U.S. 752, 766 (2019) (citation omitted).³ Plaintiffs demonstrate this, too.

First, redressability is not defeated because an injunction would bind Defendants (not Indiana’s county election boards). Dkt. 94, at 13-14. Plaintiffs sue under the CRA and NVRA, which the IED implements. I.C. § 3-7-11-2. Defendants oversee the voter-flagging process, instruct counties about the Challenged DPOC Provisions, and claim exclusive authority to

³ Defendants do not separately contend that Plaintiffs’ injuries are not traceable to Defendants’ conduct and so appear to concede Plaintiffs meet this requirement.

authenticate some DPOC, Dkt. 84-2, at 92; Dkt. 84-3, 84-4, 84-5, 84-6. This Court already rejected Defendants’ theory. *Frederick v. Lawson*, 481 F. Supp. 3d 774, 790-91 (S.D. Ind. 2020); *see also Jud. Watch, Inc. v. King*, 993 F. Supp. 2d 919, 925-26 (S.D. Ind. 2012); Dkt. 62, at 8-10.

Second, Defendants’ mootness argument fails. Dkt. 94, at 14-16; *see* Pls.’ Opp. to MTD, Dkt. 62, at 6-8. Although the Challenged DPOC Provisions’ initial comparison is complete, hundreds of flagged voters—including longtime registrants—cannot vote unless they appeal, re-register, or provide DPOC. Plaintiffs seek unaccomplished relief: reinstatement, remedial mailers, and ending DPOC-based cancellations. Dkt. 84, at 3. Moreover, the Challenged DPOC Provisions generate new flagged registrants every election cycle, satisfying the “capable of repetition, yet evading review” exception. *FEC v. Wis. Right to Life, Inc.*, 551 U.S. 449, 462 (2007).

In short, Plaintiffs have demonstrated standing.

B. The Challenged DPOC Provisions Violate the NVRA and CRA⁴

Plaintiffs are also likely to succeed on the merits of their claims. Defendants’ arguments rehash their Motion to Dismiss, Dkt. 30, at 11-20, and should be rejected, *see* Dkt. 62, at 14-28.

1. The Challenged DPOC Provisions Violate the CRA’s Different Practices Provision and NVRA Section 8(b)

The Challenged DPOC Provisions violate the CRA’s bar on “different . . . standards, practices, or procedures” in determining voting qualifications. 52 U.S.C. § 10101(a)(2)(A); *see Mi Familia Vota v. Fontes*, 129 F.4th 691, 723 (9th Cir. 2025) (holding that officials may not “apply different standards, practices, and procedures to naturalized citizens than those . . . they apply to U.S.-born citizens”). The Challenged DPOC Provisions also violate NVRA Section 8(b) by singling out naturalized and derived citizens for disparate treatment. *See Project Vote v. Blackwell*,

⁴ Defendants claim that Plaintiffs cannot show that they are likely to succeed on their claim that Defendants have violated the NVRA’s Public Records Provision. Dkt. 94, at 24-25. Plaintiffs did not seek preliminary relief on that claim, so the Court may ignore those arguments.

455 F. Supp. 2d 694, 703 (N.D. Ohio 2006); *Mi Familia Vota*, 129 F.4th at 714-15.

Defendants argue there is no CRA violation because “[e]very voter registration is evaluated for eligibility” and any DPOC request is “purely incidental.” Dkt. 94, at 18; *see also id.* at 24. But temporary credentials are issued to noncitizens and remain valid after the holder becomes a U.S. citizen until expiration, causing naturalized and derived citizens to face disparate treatment in registration. Dkt. 1 ¶¶ 57-62; Dkt. 85, at 7-8. By imposing DPOC requirements only on those flagged citizens, while requiring no proof from any other registrant,⁵ the Provisions violate the CRA. *See, e.g., Mi Familia Vota*, 129 F.4th at 723. Defendants’ argument that the Provisions apply neutrally to “anyone with a temporary BMV Credential,” Dkt. 94, at 24, has been rejected: facially neutral criteria are discriminatory when they functionally single out naturalized citizens. *See Mi Familia Vota*, 129 F.4th at 714 (rejecting argument that citizenship check applied to “all voters” where counties would only “check[] on naturalized citizens and non-citizens”); *United States v. Florida*, 870 F. Supp. 2d 1346, 1350 (N.D. Fla. 2012) (holding that a list maintenance program was discriminatory where “properly registered citizens who would be required to respond and provide documentation would be primarily newly naturalized citizens”). Defendants’ reliance on *U.S. Student Association Foundation v. Land* is misplaced. Dkt. 94, at 17; 585 F. Supp. 2d 925, 949-50 (E.D. Mich. 2008). *Land* involved different treatment of registrants whose original IDs were returned as undeliverable versus those whose duplicate IDs were returned—not DPOC requirements that single out naturalized and derived citizens. *Id.* Moreover, the *Land* court ordered restoration of cancellations. *Id.* at 950; *see Schneider v. Rusk*, 377 U.S. 163, 165 (1964) (“[T]he rights of citizenship of the native born and of the naturalized person are . . . coextensive[.]”).

⁵ Under I.C. §§ 9-24-11-5(c) and 9-24-16-3(f), temporary identification cards are *only* issued to those with (1) a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry; (2) a pending application for asylum; (3) a pending or approved application for temporary protected status; (4) an approved deferred action status; or (5) a pending application for adjustment of status or conditional permanent residence status.

The Challenged DPOC Provisions also independently violate NVRA Section 8(b) by singling out naturalized and derived citizens for disparate treatment. *See Project Vote v. Blackwell*, 455 F. Supp. 2d 694, 703 (N.D. Ohio 2006); *Mi Familia Vota*, 129 F.4th at 714-15. As with the CRA, Defendants argue the Provisions are nondiscriminatory because they apply to “anyone with a temporary BMV Credential,” but such credentials are *never* issued to individuals born as U.S. citizens. Dkt. 94, at 24. Temporary credentials are a proxy for naturalized or derived citizenship status, subjecting these citizens to scrutiny no U.S.-born citizen faces. *Id.*; *Mi Familia Vota*, 129 F.4th at 714-15. In fact, Defendants concede this disparate treatment, admitting that different voter registration applications “are not treated alike”—despite all applications requiring the same information to be complete—based on whether the applicant is a temporary credential-holder, again a status only non-U.S.-born citizens will ever hold. Dkt. 94, at 24.

2. The Challenged DPOC Provisions Violate NVRA Sections 5, 6, 7, and 9

The Challenged DPOC Provisions also violate NVRA Sections 5, 6, 7, and 9 by requiring naturalized and derived citizens to provide DPOC when registering to vote using the National Mail Voter Registration Form (“Federal Form”) or the state’s voter registration form (“State Form”).

Section 6. The Challenged DPOC Provisions violate Section 6 because they permit Defendants not to “accept and use” the Federal Form, 52 U.S.C. § 20505(a)(1), and create a State Form not “equivalent” to it, *id.* § 20506(a)(6)(A)(ii). Flagged Hoosiers using either form must provide DPOC before their registration is accepted, even though the Federal Form does not require DPOC. Plaintiffs identified flagged Hoosiers who tried to register through the Federal Form at voter-registration agencies. Dkt. 84-8, at 4; Dkt. 84-7, at 4.

The Supreme Court foreclosed such DPOC requirements for the Federal Form, holding that states may not “demand that an applicant submit additional information beyond that required by the Federal Form.” *Arizona v. Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 15 (2013)

(“*ITCA*”). Defendants attempt to distinguish the facts here, because in *ITCA*, Arizona law required state officials to “reject” the Federal Form immediately when unaccompanied by DPOC, Dkt. 94, at 20, whereas here the Challenged DPOC Provisions require rejection if the registrant does not provide DPOC within 30 days. That is a distinction without a difference, as other courts have held. *Mi Familia Vota*, 129 F.4th at 710-11; *see also Kobach v. U.S. Election Assistance Comm’n*, 772 F.3d 1183, 1195 n.7 (10th Cir. 2014) (explaining that Congress specifically rejected proposals that would have permitted States to demand DPOC in connection with the Federal Form).

DPOC requirements for the State Form are likewise foreclosed. Defendants assert that the State Form is equivalent to the Federal Form and that the Challenged DPOC Provisions are “more akin” to list maintenance, Dkt. 94, at 21. This is illogical. Registrants who submit the Federal Form have provided sufficient information to register, whereas naturalized and derived Hoosiers with temporary credentials who complete the State Form *have not* provided sufficient information to register. This distinction renders the forms non-equivalent. In fact, Defendants admit the Federal Form is not equivalent. Dkt. 94, at 20 (“[H]ere, the county accepts the registration *and* must request documentation confirming that the registrant is a citizen.” (emphasis added)). Furthermore, Defendants’ characterization of both the Current-Voter and New-Registrant Citizenship Crosscheck Requirements as “back-end maintenance” is contradicted by the statute itself, which expressly conditions registration on submission of DPOC. I.C. §§ 3-7-38.2-7.3(b), (c).

Sections 5, 7, and 9. The Challenged DPOC Provisions independently violate NVRA Sections 5, 7, and 9 by demanding unnecessary information to register using the State Form. The NVRA permits a State Form to require only information “necessary to enable the appropriate State election official to assess [voter] eligibility.” 52 U.S.C. § 20508(b)(1). Defendants cite Tenth Circuit precedent to support their assertion that “Congress did not intend for the ‘minimum

information necessary’ to always equate to the citizenship attestation on the voter registration form.” Dkt. 94, at 24 (citation omitted). But Defendants ignore that court’s later holding that the attestation requirement—an oath of citizenship under penalty of perjury—is the “presumptive minimum amount of information necessary.” *Fish v. Schwab*, 957 F.3d 1105, 1138 (10th Cir. 2020) (quoting *Fish v. Kobach*, 840 F.3d 710, 737 (10th Cir. 2016)). A DPOC requirement based on temporary-credential records exceeds what is “necessary” because the oath suffices.

II. PLAINTIFFS WILL SUFFER IRREPARABLE HARM ABSENT RELIEF.

Plaintiffs will suffer irreparable harm absent relief because the Challenged DPOC Provisions impair their core voter-registration work. Dkt. 85, at 20-22; *supra* pp. 1-4. Defendants do not dispute that organizations suffer irreparable harm when “forced to divert resources” to mitigate a challenged law’s effects on voter-registration efforts. *LULAC v. Exec. Off. of the Pres.*, 780 F. Supp. 3d 135, 201 (D.D.C. 2025). They argue only that Plaintiffs have not shown irreparable harm, relying on the same flawed claims they make against standing. Dkt. 94, at 26-27.

Plaintiffs have diverted finite resources to address the urgent risk of DPOC-related disenfranchisement and, absent relief, must continue doing so through November. Dkt. 85, at 20-22; *supra* pp. 1-4. Voters, community partners, and clients who otherwise would receive Plaintiffs’ voter-registration assistance, outreach, coalition-building, and other services receive less aid. *See* Dkt. 95-2, at 17:6-13 (describing LWVIN’s ongoing outreach); Dkt. 95-3, at 34:18-21 (explaining CCIN is “bus[ier] than ever”); Dkt. 95-1, at 81:15-82:7 (detailing HAAP’s curtailed activities); Ex. 2, Van Tyle Tr. at 13:21-14:1; Dkt. 95-4, at 21:4-11 (describing Exodus’s staff training on Challenged DPOC Provisions). “This will inevitably take away resources and time from other aspects of [Plaintiffs’] work and mission[.]” creating irreparable harm. *Common Cause Ind. v. Lawson*, 327 F. Supp. 3d 1139, 1154 (S.D. Ind. 2018), *aff’d*, 937 F.3d 944 (7th Cir. 2019).

Defendants argue that Plaintiffs are not irreparably harmed because (1) Indiana has already

held a primary election while the Challenged DPOC Provisions were in effect, and (2) Hoosiers have not contacted Plaintiffs for guidance about the Challenged DPOC Provisions. Dkt. 94, at 26-27. But those points misunderstand both the record and Plaintiffs’ injury. Plaintiffs have proactively supported voters, including an LWVIN member flagged under the Challenged DPOC Provisions. Dkt. 95-2, at 22:7-23:3, 25:8-21; Dkt. 84-9 ¶¶ 2, 15-18, 24-27. And Plaintiffs are not merely shifting resources among mission-related tasks: the Provisions impose a new responsibility—responding to DPOC-related barriers and preventing wrongful disenfranchisement—that Plaintiffs can address only by diverting finite resources from other work. *See supra* pp. 1-4. Defendants also claim that Plaintiffs have not “specified a future plan to respond to the Challenged DPOC Provisions.” Dkt. 94, at 27. But Plaintiffs anticipate continuing harm as they continue voter-registration work—impaired by the Challenged DPOC Provisions—as the November election approaches. Dkt. 17-2 ¶ 11; Dkt. 17-3 ¶ 13; Dkt. 17-4 ¶ 8; *see also* Dkt. 95-1, at 38:3-17 (HAAP anticipates dedicating “a lot more time” to address the Challenged DPOC Provisions in 2026); Dkt. 95-2, at 17:6-13 (LWVIN plans continued outreach through the general election); Ex. 2, Van Tyle Tr. at 13:21-14:1 (Exodus expects to assist clients lacking DPOC).⁶

Further, disenfranchisement independently creates irreparable harm. *See Charles H. Wesley Educ. Found, Inc. v. Cox*, 408 F.3d 1349, 1352-54 (11th Cir. 2005); *Common Cause Ind.*, 327 F. Supp. 3d at 1155. Naturalized and derived citizens, including Exodus clients, have been flagged, Dkt. 95-4, at 19:6-13, alongside thousands of Hoosiers, Dkt. 85, at 8. Hundreds have been removed from the rolls. *Id.* at 8-9. Hoosiers have testified to the confusion and difficulties wrought by the challenged laws. *See* Dkt. 95-6, at 4-6; Dkt. 95-7, at 12. “[A] violation of the right to vote

⁶ Defendants claim that CCIN does not consider responding to the Challenged DPOC Provisions to be a “goal” for the year. Dkt. 94, at 27. Defendants cite testimony, Dkt. 95-3, at 48:4-13, about one CCIN employee’s “individual goals,” which are expressly not those of the organization, *id.* at 44:11-18. Actions related to the Challenged DPOC Provisions are still “embedded into” the organization’s other planned work. *Id.* at 48:13.

is presumptively an irreparable harm.” *Common Cause Ind.*, 327 F. Supp. 3d at 1155.

III. THE BALANCE OF EQUITIES AND PUBLIC INTEREST FAVOR PLAINTIFFS.

Finally, per Plaintiffs’ opening brief, Dkt. 85, at 22-28, the balance of equities and the public interest overwhelmingly favor relief. Voters and Plaintiffs testified about their harms and the potential disenfranchisement of voters. Dkts. 17-2, 17-3, 17-4, 17-5; Dkt. 95-7, at 12; Dkt. 95-6, at 4-6; Dkt. 95-5, at 5:8-7:2; Dkt. 95-4, at 19:6-13; *see also* Order at 33-34, *League of Women Voters v. U.S. Dept. of Homeland Sec.*, 25-cv-3501 (D.D.C. June 22, 2026). Dr. McDonald’s expert analysis shows that Defendants flagged over 3,200 individuals and canceled or rejected more than 1,200 registrations. Dkt. 84-11, McDonald Rep. at 3. Defendants do not dispute this, arguing that the Challenged DPOC Provisions are justified and that preliminary relief would create confusion and administrative burden. Dkt. 94, at 28. The Court should reject these arguments.

First, thousands of Hoosiers face the possibility of disenfranchisement. Dkt. 85, at 8-9; Dkt. 84-11, McDonald Rep. at 3; Dkt. 84-8 ¶¶ 7-19; Dkt. 84-7 ¶¶ 4-12; Dkt. 84-10 ¶¶ 5-18; Dkt. 95-7, at 7:25-8:12; Dkt. 95-6, at 5:19-7:3; Dkt. 95-5, at 5:8-7:2. Defendants justify that risk with three unverified “instances of non-citizens who registered to vote and subsequently voted,” Dkt. 95-8 ¶ 5, out of over 4.7 million registered Hoosiers, Dkt. 84-8, at 8, while approximately 977 eligible citizens were incorrectly flagged but provided DPOC within thirty days. Dkt. 84-11, McDonald Rep. at 3. Any voter-fraud risk is “miniscule when compared with the concrete risk that [the State’s] policies will disenfranchise eligible voters.” *U.S. Student Ass’n Found. v. Land*, 546 F.3d 373, 388 (6th Cir. 2008); *see also LULAC*, 780 F. Supp. 3d at 203; *Ind. State Conf. of NAACP v. Lawson*, 326 F. Supp. 3d 646, 664 (S.D. Ind. 2018) (equities favored injunction where plaintiffs faced “imminent and irrevocable consequence of disenfranchisement”), *aff’d*, *Common Cause Ind. v. Lawson*, 937 F.3d 944 (7th Cir. 2019). Indeed, Defendants’ evidence—the Prentice Declaration, Dkt. 95-8—deserves no weight. The declarant, Deputy General Counsel to a named party, offers

only the conclusory assertion that “it *appears* that there have been noncitizens who represented they were a citizen and registered to vote.” *Id.* ¶ 5 (emphasis added). Such speculation should be disregarded. *See Bitler Inv. Venture II, LLC v. Marathon Ashland Petroleum, LLC*, 653 F. Supp. 2d 895, 915 (N.D. Ind. 2009). The described methodology—comparing “Bureau of Motor Vehicle driver registration information with voting records,” Dkt. 95-8 ¶ 5—is the flawed database-matching methodology Plaintiffs challenge, Dkt. 85, at 7-9; *see also Fish*, 957 F.3d at 1134. All three “instances” may be naturalized or derived citizens erroneously flagged based on outdated BMV data showing only that they hold temporary credentials. *See* Dkt. 85, at 7-8; Dkt. 84-8 ¶¶ 7-9; Dkt. 84-9 ¶¶ 8-9; Dkt. 84-10 ¶¶ 7-8.

Second, Defendants’ claims of potential voter confusion lack merit. For voters flagged by the Challenged DPOC Provisions, reinstating their registrations or accepting their applications and then sending confirmation notices would reduce confusion. Voters who already provided DPOC and confirmed their registrations will simply stay registered; restoring others’ registrations does not harm them. Nor is there anything confusing about returning to the longtime status quo before July 1, 2025: all registrants simply affirm citizenship under penalty of perjury. Any administrative burden or confusion for election officials holds little weight compared to the disenfranchisement of thousands of eligible voters. *Democratic Nat’l Comm. v. Bostelmann*, 447 F. Supp. 3d 757, 766, 770 (W.D. Wis. 2020) (finding administrative burdens “minor” against voters’ ability to “exercise their franchise”); *Common Cause Ind.*, 937 F.3d at 949.

Third, Defendants’ invocation of Indiana’s sovereign interest in enforcing its democratically enacted laws, Dkt. 94, at 28-29, is unavailing where, as here, Plaintiffs are likely to succeed on the merits. The government suffers “no irreparable harm” when it is prevented from enforcing an unconstitutional statute. *Joelner v. Vill. of Wash. Park*, 378 F.3d 613, 620 (7th Cir.

2004), *aff'd*, 508 F.3d 427 (7th Cir. 2007); *see also NA Main St. LLC v. Cook*, 508 F. Supp. 3d 320, 333 (S.D. Ind. 2020) (“Defendants will not be harmed by having to conform to constitutional standards, and without an injunction, Plaintiffs will continue to be denied their constitutional rights.”) (citation omitted). The State’s own data shows that the Challenged DPOC Provisions sweep in eligible citizens, not ferret out fraud. The public interest lies in “permitting as many qualified voters to vote as possible.” *LULAC*, 780 F. Supp. 3d at 203.

Finally, Defendants say that a seven-month gap between Plaintiffs’ declared intent to seek preliminary relief and filing shows a fatal lack of urgency. Dkt. 94, at 25-26. On the contrary, Plaintiffs moved diligently.⁷ Defendants’ cited cases are all inapposite: each involved claims requiring no factual development, unlike this challenge, which required extensive discovery of the Challenged DPOC Provisions’ scope and impact. Courts decline to apply laches in election cases where plaintiffs used the intervening time to develop the record. *See Miller v. Bd. of Comm’rs of Miller Cnty.*, 45 F. Supp. 2d 1369, 1370, 1373-74 (M.D. Ga. 1998); *Knox v. Milwaukee Cnty. Bd. of Election Comm’rs*, 607 F. Supp. 1112, 1116-19, 1128 (E.D. Wis. 1985).

Neither does *Purcell v. Gonzalez*, 549 U.S. 1 (2006), preclude relief. *Purcell* weighs against judicial intervention “on the eve of an election” where it risks voter confusion or administrative disarray. *RNC v. DNC*, 589 U.S. 423, 424-25 (2020) (citing *Purcell*, 549 U.S. 1). Defendants argue it is too late because Plaintiffs’ motion is ripe merely four months pre-election. Dkt. 94, at 5-7. This argument has no basis in law or logic. There is no evidence here that an injunction would

⁷ Defendants suggest that Plaintiffs moved for expedited discovery in November 2025 and then sat idle. The record shows the opposite. Plaintiffs filed suit on October 21, 2025, and moved for expedited discovery on November 28, 2025. Dkt. 17. The Court granted that motion on December 22, 2025. Dkt. 33. Plaintiffs then moved to compel certain responses to their expedited discovery requests and the Court ordered Defendants to produce all responsive documents by January 16, 2026. Dkt. 53, at 11. Despite the Court’s order, Defendants’ production of lists of voters affected by the Challenged DPOC Provisions was deficient through late April 2026. Dkt. 81, at 5. Plaintiffs filed their motion for preliminary injunction on May 8, 2026. Dkt. 84.

cause burdens that caution against relief. *Id.* Most of Defendants’ cited examples concerned injunctions issued within eight weeks of an election—less than half the time remaining here.⁸ And the cases Defendants cite denying relief further from an election all involved redistricting, which “raises unique and unusual timeliness concerns” absent here. *Robinson v. Callais*, 144 S. Ct. 1171, 1172 (2024) (Jackson, J., dissenting); *Abbott v. LULAC*, 146 S. Ct. 418 (2025); *Ardoin v. Robinson*, 142 S. Ct. 2892 (2022) (mem.); *see also Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring) (mem.) (noting “chaos” where “[f]iling deadlines” loom “but candidates cannot be sure what district . . . to file for”). Plaintiffs seek relief unrelated to electoral districts, so those decisions are inapposite. *Purcell* simply does not apply here with any force.

And even if the election were sooner, *Purcell* creates no strict cutoff date for relief. *See Merrill*, 142 S. Ct. at 880-81 (Kavanaugh, J., concurring). Rather, *Purcell* may apply only where late-breaking orders would confuse voters or impose undue administrative burdens on election officials—concerns that are absent here, where the requested relief would simplify, not complicate, election administration by returning Indiana to the attestation-only baseline that was in place before July 2025. The preliminary-injunction factors strongly favor relief; *Purcell* is no bar.

IV. THE REQUESTED RELIEF IS PROPERLY SCOPED AND TAILORED.

Defendants also dispute the scope of Plaintiffs’ requested relief. But Plaintiffs’ request is narrowly tailored. They ask this Court to compel Defendants to do three simple things: (i) pause DPOC-based matching and notices under the Challenged DPOC Provisions; (ii) reinstate voters removed pursuant to the Provisions and re-evaluate voters rejected pursuant to the Provisions; and

⁸ These include *DNC v. Bostelmann*, 977 F.3d 639, 642 (7th Cir. 2020) (six weeks); *Common Cause Ind. v. Lawson*, 978 F.3d 1036, 1042 (7th Cir. 2020) (five weeks); *Count US IN v. Morales*, 172 F.4th 974, 975 (7th Cir. 2026) (per curiam) (three weeks before primary election “with early voting underway”); *Tenn. Conf. of NAACP v. Lee*, 105 F.4th 888, 898 (6th Cir. 2024) (two months); and *Am. Council of the Blind of Ind. v. Ind. Election Comm’n*, No. 1:20-cv-03118-JMS-MJD, 2022 WL 702257, at *6 (S.D. Ind. Mar. 9, 2022) (eight weeks). In *American Council*, this Court declined to implement “sweeping changes” but *did* grant more limited relief despite the upcoming election. 2022 WL 702257, at *6, *11.

(iii) educate officials on the status of the Provisions. *See* Dkt. 84, at 3; Dkt. 85, at 28-29. These actions are necessary to limit irreparable harm, *see supra* Part II, and are not an administrative burden. Other courts have ordered nearly identical remedies. *See Va. Coal. Immigrant Rts. v. Beals*, No. 1:24-cv-1778 (PTG/WBP), 2024 WL 4577983, at *1-2 (E.D. Va. Oct. 25, 2024).

Defendants offer two arguments against the relief; each should be rejected. First, Defendants argue that *Trump v. CASA, Inc.* prohibits this Court from enjoining the Challenged DPOC Provisions. 606 U.S. 831, 844 (2025); *see* Dkt. 94, at 30. *CASA* concerns whether courts may order nationwide injunctions to enjoin executive action. *CASA*, 606 U.S. at 859 (“[W]hat matters is how the Judiciary may constrain the Executive.”). *CASA* is inapplicable, as Plaintiffs seek to enjoin legislation applicable only to Indiana registrants and voters—not nationwide conduct. Second, Defendants argue that relief would require action from county election boards, as Defendants supposedly lack the authority to instruct county election boards how to carry out their duties. As described, *supra* Part I.A, this Court has already rejected Defendants’ shell-game. *See, e.g., Frederick*, 481 F. Supp. 3d at 790-91. Defendants’ conclusory assertions of “extreme burdens” (Dkt. 94, at 7) are also unsupported. Restoring Indiana’s attestation-only requirement for all voter registrants—which operated effectively before and still applies to voter registrants born as U.S. citizens—is the least disruptive remedy available.⁹ *See Ind. State Conf. of NAACP*, 326 F. Supp. 3d at 661, 664 (the State’s interest in enforcing unnecessary laws is “minimal”).

Each aspect of the proposed relief is a limited, proportionate measure within this Court’s equitable power. For these reasons, the Court should order Plaintiffs’ requested relief.

CONCLUSION

Plaintiffs respectfully request that the Court grant their Motion, Dkt. 84.

⁹ Should the Court identify alternative, less disruptive relief it determines will prevent the irreparable harm identified by Plaintiffs, Plaintiffs request that the Court fashion alternative relief as it sees fit.

Dated: June 24, 2026

Respectfully submitted,

/s/ William R. Groth

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**Appearing Pro hac vice*

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

LEAGUE OF WOMEN VOTERS OF
INDIANA; COMMON CAUSE
INDIANA; HOOSIER ASIAN
AMERICAN POWER; and EXODUS
REFUGEE IMMIGRATION,

Plaintiffs,

v.

DIEGO MORALES, in his official capacity
as Secretary of State for Indiana; JOSEPH
E. MCLAIN, in his official capacity as Co-
Director of the Indiana Election Division;
and ANGELA M. NUSSMEYER, in her
official capacity as Co-Director of the
Indiana Election Division,

Defendants.

Civil Action No. 1:25-cv-02150-MPB-MJD

**REPLY DECLARATION OF WILLIAM R. GROTH IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, William R. Groth, declare as follows:

1. I am licensed to practice law in the State of Indiana and admitted to practice before this Court. I am Of Counsel in the law firm Bowman Legal Services, LLC and counsel for Plaintiffs League of Women Voters of Indiana, Common Cause Indiana, Hoosier Asian American Power, and Exodus Refugee Immigration in this action. I submit this reply declaration in support of Plaintiffs' Motion for a Preliminary Injunction and the accompanying Memorandum of Law in Support of Their Motion for Preliminary Injunction. I have knowledge of the facts set forth herein, and if called to testify as a witness thereto, I could and would competently do so under oath.

2. Attached hereto as **Exhibit 1** is a true and correct copy of an excerpt from the deposition transcript of Melissa Borja, 30(b)(6) designee for Hoosier Asian American Power (“HAAP”).
3. Attached hereto as **Exhibit 2** is a true and correct copy of an excerpt from the deposition transcript of Rachel Van Tyle, 30(b)(6) designee for Exodus Refugee Immigration.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed on June 24, 2026 at Indianapolis, Indiana.

/s/ William R. Groth
William R. Groth

EXHIBIT 1

Melissa Borja

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CAUSE NO. 1:25-cv-02150-MPB-MJD

LEAGUE OF WOMEN VOTERS	)
OF INDIANA, et al.,	)
	)
Plaintiffs,	)
	)
-vs-	)
	)
MORALES, et al.,	)
	)
Defendants.	)

The deposition upon oral examination of 30 (b) (6) witness, MELISSA BORJA, a witness produced and sworn before me, Karon Voloski Brown, a Notary Public in and for the County of Boone, State of Indiana, taken on behalf of the Defendants, at the offices of Indiana Attorney General s Office, 302 West Washington Street, 5th Floor, Indianapolis, Indiana, on the 14th day of May 2026, pursuant to the Indiana Rules of Trial Procedure.

Melissa Borja

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A P P E A R A N C E S

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Melissa Borja

1 to be contributing, engaged in the organization.

2 **Q Okay. But what do you mean by "meaningful"?**

3 A That they would -- rather than just showing up
4 at one event, they will show up at another event
5 in the future and contribute to the organization
6 as an emerging leader.

7 And growth in an organization for us means
8 not just number of members, but engagement of
9 existing members and contribution of existing
10 members. So that is important to us as well.

11 **Q Are current members encouraged to attend events**
12 **even if they are not sort of specifically geared**
13 **towards current members? Current members**
14 **encouraged to attend events on these Challenged**
15 **Statutes, or events where you're reaching out to**
16 **communities that aren't necessarily members, but**
17 **people that you want to reach out to, do current**
18 **members attend those events?**

19 A We encourage all of our members to attend every
20 event.

21 **Q Of course. But do they sort of -- I mean how**
22 **many current members would you anticipate at**
23 **your typical event?**

24 A I mean it depends on the type of event. Some
25 are big and some are smaller. Yeah, I don't

Melissa Borja

1 know what else to add.

2 **Q Okay. But current members do attend events,**
3 **it's not necessarily measured in that way; is**
4 **that correct?**

5 **A Current members attend events.**

6 **Q Okay. Okay. I think you answered my question.**

7 **Have you had members or volunteers -- and**
8 **I'm changing the topic slightly, still talking**
9 **about members and volunteers. Have you had**
10 **members or volunteers that were trained and then**
11 **had to be retrained? Does that happen every**
12 **year?**

13 **A We have repeat trainings for everybody.**

14 **Q Is it like annual or how often?**

15 **A Every year, maybe every other year we will have**
16 **the same training.**

17 **Q So have you had to specifically do a training on**
18 **the Challenged Statutes for people who are**
19 **already trained? Or is it just sort of grouped**
20 **together with a retraining that's already going**
21 **to happen?**

22 **A We have presented information about the**
23 **Challenged Statutes to members who have been**
24 **trained on it before oftentimes with more**
25 **information --**

Melissa Borja

1 Q Okay.

2 A -- that we have due to new things we're learning
3 based on the news and experiences we're hearing
4 from community members.

5 Q Okay. But it is still -- the training is what
6 it is, it's not a specific Challenged Statutes
7 training necessarily; is that correct?

8 A I'm not sure I understand the question.

9 Q I mean, you've had events on the Challenged
10 Statutes. But you're training members and
11 volunteers, they go through that training, that
12 training is sort of all encompassing of the
13 things that they would need to know, so wouldn't
14 be just about the Challenged Statutes. Is that
15 correct?

16 A The training we've offered our members about the
17 Challenged Statutes, like I've said before, is
18 usually part of a broader event, like a meeting,
19 or another gathering, with the exception of the
20 trainings open to the public that are
21 specifically about the Challenge Statutes.

22 So the information we will provide at our
23 meetings about the Challenged Statutes will
24 change over time because more information is
25 available. But it has some similar components,

Melissa Borja

1 as well as new components.

2 **Q Okay. But you're never holding -- correct me if**
3 **I'm wrong. It sounds like you're never holding**
4 **an event that's just a training for members and**
5 **volunteers, it's usually a meeting that's also a**
6 **training. Is that correct?**

7 A We do have trainings for members and volunteers,
8 but it's usually about specific things, like how
9 to be a constitutional observer, or how to do a
10 one-on-one.

11 **Q Okay.**

12 A But it's a common practice for community
13 organizers to train people at every turn.

14 **Q Okay.**

15 A So there's always training and teaching.

16 **Q Okay. Okay. So have you had to stop training**
17 **on anything in order to fit in the Challenged**
18 **Statutes training, or has it just been added?**

19 A We've curtailed discussion on other topics in
20 our meetings to make sure we have time to talk
21 about the Challenged Statutes.

22 **Q What other topics have you curtailed?**

23 A So we've curtailed a lot of our discussion
24 related to reproductive health, other issues
25 related to specific engagement in racial equity,

Melissa Borja

1 which are issues, court issues. So in a
2 75-minute meeting you can only cover so many
3 topics. And if updating people about the
4 Challenged Statutes takes 15 minutes, that's 15
5 minutes less you can talk about something else.

6 **Q Is that roughly how long you usually take for**
7 **the Challenged Statutes is about 15 minutes?**

8 A I would say about 15 minutes, sometimes more.

9 **Q Okay. And when did you sort of start curtailing**
10 **the other topics? Do you have an idea of when**
11 **that would have changed?**

12 A 2025, yeah.

13 **Q Do you know was it around the same time as sort**
14 **of the change of the larger plan in November?**
15 **Or was it before that?**

16 A Around the summertime when we began to get
17 information from news reports about voters being
18 confused by the implementation of the Challenged
19 Statutes, we began to allocate more time.
20 That's my best guess around then.

21 **Q Okay. You said your meetings are usually 75**
22 **minutes?**

23 A Seventy-five minutes for our monthly members'
24 meeting.

25 **Q And do you do the 15 minutes on the Challenged**

Melissa Borja

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

CAUSE NO. 1:25-cv-02150-MPB-MJD

LEAGUE OF WOMEN VOTERS)
OF INDIANA, et al.,)

Plaintiffs,)

-vs-)

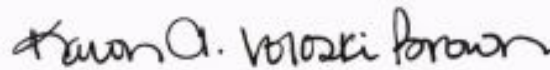
MORALES, et al.,)

Defendants.)

I, MELISSA BORJA, state that I have read
the foregoing transcript of the testimony given
by me on May 14th, 2026, at my deposition;

That said transcript constitutes a true and
correct record of the testimony given by me at
said deposition except as so indicated on the
errata sheet(s) provided herein.

FURTHER THE DEPONENT SAITH NOT.



MELISSA BORJA

Dated: _____

EXHIBIT 2

Rachel Van Tyle

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION
CAUSE NO. 1:25-CV-02150-MPB-MJD

LEAGUE OF WOMEN VOTERS OF)
INDIANA; COMMON CAUSE INDIANA;)
HOOSIER ASIAN AMERICAN POWER; and)
EXODUS REFUGEE IMMIGRATION,)

Plaintiffs,)

-vs-)

DIEGO MORALES, in his official)
capacity as Secretary for Indiana;)
J. BRADLEY KING, in his official)
capacity as CO-DIRECTOR of the)
INDIANA ELECTION DIVISION; and)
ANGELA M. NUSSMEYER, in her official)
capacity as CO-DIRECTOR of the)
INDIANA ELECTION DIVISION,)

Defendants.)

The deposition upon oral examination of RACHEL VAN TYLE, a witness produced and sworn or affirmed before me, Peggy J. Morgan, a stenographic reporter and Notary Public in and for the County of Hendricks, State of Indiana, taken on behalf of the Defendants via videoconferencing, on the 9th day of June, 2026, pursuant to the Federal Rules of Civil Procedure.

Rachel Van Tyle

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A P P E A R A N C E S

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Rachel Van Tyle

1 Q Okay. Got you. All right. So, typically, a
2 client will have at least two cases -- or, I'm
3 sorry, two matters?

4 A Two matters, yes. Cases is how we talk about the
5 client, and then their cases, so two cases
6 assigned. Yeah.

7 Q Okay. Got you. All right. And you also
8 mentioned services outside Exodus legal services.
9 You mentioned case management, do you oversee
10 that, or is that separate?

11 A I do not. That is a different director.

12 Q Okay. Got you. But do you provide some sort of
13 legal services over there?

14 A No. All the legal services come through the
15 legal team. The kind of case management services
16 are like, you know, helping people get medical
17 appointments, get to doctors. We're talking
18 about, you know, maybe help applying for a job,
19 or getting enrolled in some sort of specialized
20 -- like forklift training, or something like
21 that. That's the kind of case management I'm
22 speaking of.

23 Q Okay. And in terms of sort of the workload, how
24 much -- whether it's in terms of time, or money,
25 how much do you think you spend on the typical

Rachel Van Tyle

1 client in legal services?

2 A Oh, I could not tell you. Because it could
3 depend if they have a case in front of the
4 immigration court, that's a far different number
5 than if they have a green card. A green card
6 might be 6 to 10 hours, a court case is somewhere
7 between 40 and 80.

8 Q Got you. So there's not necessarily like an
9 average, it varies wildly?

10 A It's the unique part of immigration law.

11 Q Got you. Yeah. Okay. Talk to me about Exodus's
12 legal sort of role in voter registration. How do
13 you assist people who are eligible to vote, and
14 you want to help them prepare to vote?

15 A Yeah. So we spend some time educating our staff
16 about, you know, voter registration, and telling
17 people that they are eligible to vote. Typically
18 we don't actually register people to vote, but we
19 would provide the voter registration form if they
20 requested it.

21 We do advise them, upon completion of their
22 citizenship, and their swearing in, that they're
23 eligible to vote, here's how you vote, and we
24 provide information about that they may be
25 requested to provide additional information, and

Rachel Van Tyle

1 to call us if they have any trouble with that.

2 **Q Okay. And what does the staff training look**
3 **like?**

4 A Well, we provide the tool kit from Common Cause
5 Indiana, in various languages, to our staff, and
6 they can hand them to clients. We -- you know,
7 typically I train my legal staff probably once
8 every other week on updates to the things that
9 we're seeing, and then the rest of the staff gets
10 trained periodically throughout the year.
11 There's no regular cadence, though.

12 **Q Okay. The staff training, though, does that**
13 **encompass a number of different topics?**

14 A Typically, but it -- you know, we probably spend
15 5 to 10 minutes every other week on voter issues,
16 what are people seeing, that kind of thing.

17 **Q Okay. And so -- okay. So that sort of -- not**
18 **biweekly, but every other week update on -- on**
19 **current voter issues, is that in addition to a**
20 **discussion of sort of the election year coming**
21 **up, or things like that, or what does that look**
22 **like?**

23 A Well, certainly I think it's coming up more since
24 this is an election year. Last year we probably
25 didn't spend as much time on it since there was

Rachel Van Tyle

1 no election in Indiana in November last year.

2 **Q Okay. Got you. When you say "voter issues,"**
3 **what are those issues?**

4 **A** I just mean like any -- if people are getting the
5 letters about, you know, needing to provide more
6 proof, or people have concerns about how to
7 register to vote, things like that.

8 **Q Okay. So it doesn't just include people who**
9 **receive -- like making sure people understand**
10 **what to do if they receive a letter on the -- the**
11 **challenge statute, the issue in this case, but**
12 **also includes other challenges that may come up;**
13 **is that correct?**

14 **A** I would think that's correct, yes.

15 **Q Okay. Okay. You mentioned the Common Cause tool**
16 **kit. Now, I have a slide here I'm going to share**
17 **with you, so bear with me one second, I just want**
18 **to make sure -- there it is.**

19 MR. OBERDORF: I want to -- this is Exhibit
20 1.

21 (Defendant(s) Deposition Exhibit(s) 1 marked
22 for identification.)

23 MR. OBERDORF: For the court reporter, I
24 will share a copy of this with you by email.

25 **Q Ms. Van Tyle, are you familiar with this Exhibit**