

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

AMERICAN COUNCIL OF THE BLIND)
OF INDIANA, INDIANA PROTECTION)
AND ADVOCACY SERVICES)
COMMISSION, KRISTIN FLESCHNER,)
RITA KERSH, and WANDA TACKETT,)

Plaintiffs,)

Case No. 1:20-cv-3118-JMS-MJD)

v.)

INDIANA ELECTION COMMISSION;)
THE INDIVIDUAL MEMBERS of the)
INDIANA ELECTION COMMISSION,)
in their official capacities; INDIANA)
SECRETARY OF STATE, in her official)
capacity; THE INDIANA ELECTION)
DIVISION; and THE CO-DIRECTORS)
OF THE INDIANA ELECTION)
DIVISION, in their official capacities;)

Defendants.)

NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs, by counsel, hereby submit this Notice of Supplemental Authority in support of their Motion for Summary Judgment (Doc. #127) and in opposition to Defendants’ Motion for Summary Judgment (Doc. #140).

The Parties’ cross-motions for summary judgment address whether Indiana’s absentee voting program discriminates against voters with print disabilities, in part based on the provisions requiring that voters who cannot complete a mail-in absentee ballot independently rely on the traveling board for assistance. *See* Doc. #127 at 21; Doc. #141 at 29-32; Doc. #145 at

11-13, and Doc. #150 at 8-11. *See also* Doc. #99 at 15-19. Plaintiffs contend that these procedures violate the Americans with Disabilities Act and Rehabilitation Act because voters with print disabilities are not permitted to rely on the assistance of the person of their choice in completing mail-in absentee ballots.

In *Disability Rights North Carolina v. North Carolina State Board of Elections*, No. 5:21-cv-361, the United States District Court for the Eastern District of North Carolina granted the plaintiffs' motion for summary judgment and held that portions of North Carolina's voting laws—which limited the persons from whom voters with print disabilities could receive assistance in completing ballots—was preempted by federal law. No. 5:21-cv-361, 2022 WL 2678884, at *4-7 (E.D.N.C. July 11, 2022). A copy of the order is attached.

Plaintiffs respectfully request that the Court consider this authority in ruling on the Parties' cross-motions for summary judgment.

Dated: July 27, 2022.

Respectfully submitted,

s/ Samuel M. Adams

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on July 27, 2022, the foregoing document was filed electronically with the Clerk of the Court using the CM/ECF System for all parties, and otherwise and notice was provided via e-mail to:

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