

**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. )

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**STATEMENT OF CLAIMS**

Plaintiffs, by counsel, and pursuant to the Court’s Order dated April 8, 2022 (Doc. #117), hereby submit their statement of Claims.

Plaintiffs’ First Amended Complaint (Doc. #57) alleges that Indiana’s absentee vote from home program discriminates against absentee voters with print disabilities by failing to provide a method for casting a private and independent ballot, in contrast to voters without print disabilities, and by requiring absentee voters for whom paper ballots are inaccessible to receive assistance from their county’s traveling board, in violation of the Americans with Disabilities

Act (Count I) and the Rehabilitation Act of 1973 (Count II). Specifically, Plaintiffs allege that (1) paper ballots delivered and returned through the mail are not accessible to voters with print disabilities; (2) requiring that any assistance with the paper absentee ballot be provided by the traveling board alone does not permit voters with print disabilities to vote privately and independently or even receive any desired assistance from a scribe of their choice; and (3) Defendants' program for absentee ballots and related voting documents delivered and returned by email, as implemented for the May 2022 primary election and as planned for future elections, is not accessible to voters with print disabilities. Plaintiffs seek declaratory and injunctive relief.

Dated: May 10, 2022.

Respectfully submitted,

s/ Samuel M. Adams

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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 10, 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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