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Clerk's Office
U.S. Court of Appeals for the Seventh Circuit
Everett McKinley Dirksen United States Courthouse
219 S. Dearborn St., Rm. 2722
Chicago, Illinois 60604

RE: Rule 28(j) response in *City of Hammond v. Lake County Board of Elections, et. al*,
Case No. 24-1125

Dear Clerk:

Indiana Superior Courts are “state entities.” *Lake Cnty. Bd. of Comm’rs v. State*, 181 N.E.3d 960, 961 (Ind. 2022). In eighty-eight of Indiana’s judicial circuits, voters elect state superior court judges in open elections. In three judicial circuits – where 66% of Indiana’s black voters reside – voters vote whether to retain a judge, including Lake County’s judicial district.

“[R]etention elections” are voting procedures subject to the VRA. *Bradley v. Work*, 154 F.3d 704, 709 (7th Cir. 1998).

Louisiana v. Callais, Nos. 24-109, 24-110 (U.S. Apr. 29, 2026), recognized that a state’s defense to a VRA challenge is critical. There, “[t]he State never hid the ball.” Slip op. p.33. The “State’s underlying goal was racial” in drawing voting maps. *Id.*

Likewise, in this case, the “State never hid the ball” regarding why lesser voting rights are afforded in certain judicial districts:

18. A merit selection process is essential in a highly populated and highly diverse jurisdiction like Lake County to provide safeguards for limiting political influence in Lake County superior courts.

(ECF 81-1 p.6) (highlighting added). The State's admission that lesser voting rights were implemented to "limit[] political influence" in "highly diverse" areas creates a strong "inference of racial motivation." *Callais*, Slip op. p.22.

Callais also directs a court to look to the appropriate "comparator group" when determining whether a VRA violation has occurred. *Id.* p.21. In a case where the State limits voting rights for a state office in only limited areas, to determine whether those voters have "less opportunity" to "elect representatives of their choice," it must be compared to the voting rights in other parts of the state for the same office. Doing that, voters in Lake County have less opportunity to elect judges of their choosing than voters in eighty-eight of Indiana's judicial circuits.

Were it otherwise, Indiana could have the Governor appoint State Representatives in high minority districts followed by retention votes but have full and open elections in low minority areas. That is exactly what Indiana has done for judicial elections, and it admitted this was done based on race. This violates the VRA.

Sincerely,

/s/ Bradley M. Dick

Bradley M. Dick

BMD



CERTIFICATE OF COMPLIANCE

This document complies with the word limit set forth in Rule of Appellate Procedure 28(j) because the body of the letter, including the PDF screen shot, contains 347 words.

May 7, 2026

/s/ Bradley M. Dick
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