

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

COUNT US IN, WOMEN4CHANGE  
INDIANA, and JOSH MONTAGNE

Plaintiffs,

v.

DIEGO MORALES, in his official  
capacity as Indiana Secretary of State,  
et al.,

Defendants.

CASE NO.: 1:25-CV-00864-RLY-MKK

**DEFENDANT’S RESPONSE TO PLAINTIFF’S COMPLAINT FOR DECLARATORY AND  
INJUNCTIVE RELIEF**

Defendant, the Monroe County Board of Elections, (“the Election Board”), by counsel, hereby submits its response to Plaintiff’s Complaint:

1. In response to Paragraph 1, the Election Board states that the referenced statute speaks for itself and requires no response.
2. In response to Paragraph 2, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.
3. In response to Paragraph 3, the Election Board states that the referenced Senate Bill 10 speaks for itself and denies the allegations of said Paragraph to the extent they are inconsistent with the text of the Bill itself.
4. In response to Paragraph 4, the Election Board states that Indiana Election laws speak for themselves, and requires no response.
5. In response to Paragraph 5, the Election Board states this Paragraph

contains statements of opinion and no factual allegations to which the Election Board lacks sufficient knowledge to respond to the veracity or relevance of such statements. To the extent a response is required, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history. The Election Board lacks sufficient knowledge to admit or deny the remaining allegations set forth in this Paragraph.

6. In response to Paragraph 6, the Election Board states that Indiana Election laws speak for themselves. The Election Board denies any statement or characterization Indiana Election laws set forth in this paragraph inconsistent with the referenced statute.

7. In response to Paragraph 7, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.

8. In response to Paragraph 8, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.

9. In response to Paragraph 9, this paragraph contains legal conclusions to which no response is required.

#### **JURISDICTION AND VENUE**

10. In response to Paragraph 10, the Election Board states this paragraph sets forth a statement of Plaintiff's case and does not require a response.

11. In response to Paragraph 11, the Election Board admits the jurisdictional authority of the Court over this case.

12. In response to Paragraph 12, the Election Board admits the Plaintiff's venue allegations set forth in this Paragraph.

13. In response to Paragraph 13, the Election Board admits the Plaintiff's venue allegations set forth in this Paragraph.

### **PARTIES**

14. In response to Paragraph 14, the Election Board admits that Count US IN is a not-for-profit organization and is one of the Plaintiffs. The Election Board lacks sufficient information to either affirm or deny any details about the organization's history, services, or other details about its operations.

15. In response to Paragraph 15, this paragraph contains conclusory statements and is a summary of Plaintiff's argument and requires no response. To the extent a response is required, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.

16. In response to Paragraph 16, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in this Paragraph.

17. In response to Paragraph 17, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in this Paragraph.

18. In response to Paragraph 18, the Election Board admits Women4ChangeIndiana is a not-for-profit organization and is one of the Plaintiffs. The Election Board lacks sufficient information to either affirm or deny any details about the organization's history, services, or other details about its operations.

19. In response to Paragraph 19, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in this Paragraph.

20. In response to Paragraph 20, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in this Paragraph.

21. In response to Paragraph 21, the Election Board admits Joshua Montagne is one of the Plaintiffs and that he has voted in Monroe County Elections. The Election Board lacks sufficient information to either affirm or deny any details about Mr. Montagne's personal information, his voting history, or how Senate Bill 10 will impact him.

22. In response to Paragraph 22, the Election Board admits Defendant Diego Morales is the Secretary of the State. The Election Board states that the referenced statutes outlining the duties of the Secretary of State speak for themselves and denies the allegations of said paragraph to the extent they are inconsistent with the statute.

23. In response to Paragraph 23, the Election Board admits the named Defendants within this paragraph are members of the Indiana Election Commission. The Election Board states that the referenced statutes outlining the duties of the Indiana Election Commission speak for themselves and denies the allegations of said paragraph to the extent they are inconsistent with the statute.

24. In response to Paragraph 24, the Election Board admits the named Defendants within this paragraph are the co-directors of the Indiana Election Division. The Election Board states that the referenced statutes outlining the duties of the Indiana Election Division speak for themselves and denies the allegations of said paragraph to the extent they are inconsistent with the statute.

25. In response to Paragraph 25, the Election Board admits the allegations.

### **STATEMENT OF FACTS AND LAW**

#### **A. Indiana's Photo ID Law.**

26. In response to Paragraph 26, the Election Board states that the referenced

Public Law speaks for itself and denies the allegations of said Paragraph to the extent they are inconsistent with such.

27. In response to Paragraph 27, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.

28. In response to Paragraph 28, the Election Board states that Indiana Election laws speak for themselves, and a response is not required.

29. In response to Paragraph 29, the Election Board states that the referenced Public Law speaks for itself, and a response is not required.

30. In response to Paragraph 30, the Election Board states that Indiana Election laws speak for themselves, and a response is not required.

**B. SB 10 is a surgical attack on young voters.**

31. In response to Paragraph 31, the Election Board states Indiana Election laws speak for themselves, and a response is not required.

32. In response to Paragraph 32, the Election Board states that Indiana Election laws speak for themselves, and a response is not required.

33. In response to Paragraph 33, the Election Board lacks sufficient information to either affirm or deny the allegations set forth in said Paragraph.

34. In response to Paragraph 34, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history.

35. In response to Paragraph 35, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history.

36. In response to Paragraph 36, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said paragraph to the extent they are inconsistent with that legislative history

37. In response to Paragraph 37, the Election Board states that the testimony and legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said paragraph to the extent they are inconsistent with the testimony offered and legislative history.

38. In response to Paragraph 38, the Election Board admits that Senate Bill 10 was enacted on April 16, 2025. The Election denies any remaining allegations set forth in this Paragraph.

39. In response to Paragraph 39, the Election Board admits that Indiana Code 3-5-2-40.5 becomes effective July 1, 2025, as enacted by Senate Bill 10.

**C. The Student ID Ban will make it significantly harder for students and younger Hoosiers to vote.**

40. In response to Paragraph 40, the Election Board admits that Senate Bill 10 no longer allows the use of a document issued by an educational institution for purposes of voting. Defendant lacks sufficient information to either admit or deny the remaining allegations set forth in this Paragraph.

41. In response to Paragraph 41, the Election Board states that Indiana Election laws speak for themselves and no response required.

42. In response to Paragraph 42, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph. The Election Board states the referenced statute speaks for itself, and no response is required.

43. In response to Paragraph 43, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph. The Election Board states the referenced statute speaks for itself, and denies the allegations of said paragraph to the extent they are inconsistent with the statute.

44. In response to Paragraph 44, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

45. In response to paragraph 45, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph. The Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

46. In response to Paragraph 46, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this paragraph. The Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

47. In response to Paragraph 47, the Election Board states that the requirements of the Federal Real ID Act and Indiana's implementation of such speaks for itself, and no response is required. The Election Board lacks sufficient knowledge to admit or deny the challenges students face because of these requirements.

48. In response to Paragraph 48, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

49. In response to Paragraph 49, the Election Board states that the requirements for obtaining a birth certificate and the estimated wait time as reflected by the Indiana Department of Health website speak for themselves and denies any of the

allegations set forth in said Paragraph to the extent they are inconsistent with such.

50. In response to Paragraph 50, the Election Board states that the requirements for obtaining a driver's license, or a State ID card speak for itself and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with such. The Election Board lacks sufficient knowledge to admit or deny the remaining allegations set forth in this Paragraph.

51. In response to Paragraph 51, the Election Board states that the requirements for obtaining a social security card speak for itself and no response is required. The Election Board lacks sufficient knowledge to admit or deny the remaining allegations set forth in the Paragraph.

52. In response to Paragraph 52, the Election Board states that the requirements for obtaining a driver's license, or a State ID card speak for itself, and no response is required. The Election Board lacks sufficient knowledge to admit or deny the remaining allegations set forth in the Paragraph.

53. In response to Paragraph 53, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

54. In response to Paragraph 54, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph. The Election Board states that the referenced statute speaks for itself and denies any allegation inconsistent with such.

55. In response to Paragraph 55, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph. The Election Board states that the referenced statute speaks for itself and denies any allegation



inconsistent with such.

56. In response to Paragraph 56, the statement is a conclusory statement and summary of Plaintiff's argument and requires no response.

57. In response to Paragraphs 57, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

58. In response to Paragraphs 58, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

59. In response to Paragraphs 59, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

**D. The Student ID Ban does not further state interest.**

60. In response to Paragraphs 60, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history.

61. In response to Paragraphs 61, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history.

62. In response to Paragraphs 62, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said Paragraph to the extent they are inconsistent with that legislative history.

63. In response to Paragraph 63, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

64. In response to Paragraph 64, the Election Board lacks sufficient

knowledge to admit or deny the allegations set forth in this Paragraph.

65. In response to Paragraph 65, the Election Board states that the Indiana Recount Commission's investigations and testimony at meetings of the Indiana Recount Commission speak for themselves and denies any allegation inconsistent with such.

66. In response to Paragraph 66, the Election Board states that the first statement is conclusory, and a summary of Plaintiff's argument and no response is required. In response to the second sentence, the Election Board states that Indiana Election laws speak for themselves, and requires no response. In response to the third sentence, the Election Board states the "Voter Registration Guidebook" speaks for itself, and no response is required.

67. In response to Paragraph 67, the Election Board states that Indiana Election Laws speak for themselves, and no response is required.

68. In response to Paragraph 68, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in said paragraph to the extent they are inconsistent with that legislative history.

69. In response to Paragraph 69, the statement is a conclusory statement and summary of Plaintiff's argument and requires no response.

70. In response to Paragraph 70, the Election Board denies the generalized statements regarding the change implemented by Senate Bill 10. The Election Board states that the referenced statutes speak for themselves, and no response is required.

71. In response to Paragraph 71, the Election Board states the statement is a conclusory statement and summary of Plaintiff's argument, and no response is required.

72. In response to Paragraph 72, the Election Board states that the

requirements imposed by Senate Bill 10 speak for itself and no response is required.

73. In response to Paragraph 73, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

74. In response to Paragraph 74, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required.

75. In response to Paragraph 75, the statement is a conclusory statement and summary of Plaintiff's argument to comments made during testimony of Senate Bill 10, and no response is required.

76. In response to Paragraph 76, the Election Board states that the Indiana Election Laws speak for themselves, and no response is required. The Election Board lacks sufficient information to admit or deny the remaining allegations set forth in this Paragraph.

77. In response to Paragraph 77, in reference to the first and second sentence, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and no response is required. In reference to the remaining sentences in Paragraph 77, the statement is a conclusory statement and summary of Plaintiff's argument, and no response is required.

78. In response to Paragraph 78, the statement is a conclusory statement and summary of Plaintiff's argument, and no response is required.

79. In response to Paragraph 79, the Election Board lacks sufficient knowledge to admit or deny the allegations set forth in this Paragraph.

80. In response to Paragraph 80, the Election Board states that the legislative history of Senate Bill 10 speaks for itself, and denies any of the allegations set forth in

said paragraph to the extent they are inconsistent with that legislative history.

### **CLAIMS FOR RELIEF**

#### **COUNT I**

**U.S. Const. amend I & XIV, 42 U.S.C §1983, 28 U.S.C §2201, 28 U.S.C. §2202**

81. In response to Paragraph 81, the Election Board realleges and incorporates by reference its responses to Paragraphs 1-80.

82. In response to Paragraphs 82, the paragraphs contain statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law speaks for itself and denies any statements inconsistent with such.

83. In response to Paragraph 83, the paragraphs contain statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law speaks for itself and denies any statements inconsistent with such.

84. In response to Paragraph 84, this paragraph contains a conclusory statement, sets forth no allegations specific to the Election Board, and does not require a response.

85. In response to Paragraph 85, this paragraph contains no allegations specific to the Election Board, and does not require a response. To the extent that a response is required, the Election Board denies.

#### **COUNT II**

##### **Denial of Abridgement of Right to Vote on Account of Age**

**U.S. Const. amend XXVI, 42 U.S.C §1983, 28 U.S.C §2201, 28 U.S.C. §2202**

86. In response to Paragraph 86, the Election Board realleges and incorporates

by reference its responses to Paragraphs 1-85.

87. In response to Paragraph 87, the paragraph contains statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law speaks for itself and denies any statements inconsistent with such.

88. In response to Paragraph 88, the paragraph contains statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law.

89. In response to Paragraph 89, the paragraph contains statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law

90. In response to Paragraph 90, the paragraph contains statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law

91. In response to Paragraph 91, the paragraph contains statements of law and no allegations against the Election Board, and thus no response is required. To the extent a response is required, the Election Board states that the law

92. In response to Paragraph 92, this paragraph contains no allegations specific to the Election Board and does not require a response. To the extent that a response is required, the Election Board denies.

93. In response to Paragraph 93, this paragraph contains no allegations specific to the Election Board and does not require a response. To the extent that a response is required, the Election Board denies.

**GENERAL DENIAL AND RESERVATION OF RIGHTS**

1. Any allegation not specifically admitted or denied by the Election Board is hereby denied.
2. The Election Board denies its actions constitute a violation of federal law.
3. The Election Board states that no action of the Election Board gives rise to any claim of relief for Plaintiffs.
4. The Election Board reserves any and all rights it may have to amend its Answer as the case progresses.

Dated: June 7, 2025.

Respectfully submitted,

/s/ David B. Schilling

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