UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

COUNT US IN, WOMEN4CHANGE INDIANA, and JOSH MONTAGNE,	)	
Plaintiffs,	)	
v.	)	**Case No. 1:25-CV-00864-RLY-MKK**
DEIGO MORALES, in his official capacity as Indiana Secretary of State, et al.,	)	
Defendants.	)	

State Defendants' Motion to Dismiss

The State Defendants—Indiana Secretary of State Diego Morales; members of the Indiana Election Commission Beth Boyce,[1] Suzannah Wilson Overholt, Karen Celestino-Horseman, and Litany A. Pyle; Indiana Election Division Co-Directors J. Bradley King and Angela M. Nussmeyer—move to dismiss this case because there is no constitutional right to being able to use a student identification card to identify yourself to vote and there is a rational basis for Indiana's law that no longer lets students at Indiana public universities or colleges to use their students identification cards to vote. The State Defendants' state the following in support:

1. Indiana requires voters to show a form of identification before they vote. *See Crawford v. Marion Cnty. Elec. Bd.*, 553 U.S. 181, 187 (2008) (opinion of Stevens, J.). In 2008, the U.S. Supreme Court upheld the

[1] Beth Boyce succeeded Paul Okeson as chair and member of the Indiana Election Commission. She is consequently automatically substituted for Mr. Okeson as a party under Federal Rule of Civil Procedure 25(d).

constitutionality of Indiana's identification requirement. *See id.* at 203–04 (opinion of Stevens, J.); 204–09 (Scalia, J., concurring).

2. In the most recent Indiana legislative session, through Senate Bill 10 (SB 10), lawmakers removed student identification cards as a permissible form of identification.

3. Thus, students at one of the state education institutions may use any of the other forms of identification if they want to vote, but they no longer may use an identification card issued by one of those institutions.

4. Count Us IN, Women4Change Indiana, and Josh Montagne filed a lawsuit challenging SB 10. The plaintiffs assert that SB 10, by removing identification cards issued by state educational institutions aa valid form of identification to vote, places an undue burden on the right to vote and thus violates the First and Fourteenth amendments. Dkt. 25-26. They further assert that SB 10 denies the right to vote on account of age in violation of the Twenty-Sixth amendment. Dkt. 1 at 26-28.

5. Federal Rule of Civil Procedure 12(b)(6) allows a defendant to move to dismiss a complaint that has failed to "state a claim upon which relief can be granted." Fed. R. Civ. P. 12(b)(6).

6. When deciding a motion to dismiss under Rule 12(b)(6), the court accepts as true all well-pleaded facts as true and draw all reasonable inferences in favor of the plaintiff. *United States ex rel. Berkowitz v. Automation Aids, Inc.*, 896 F.3d 834, 839 (7th Cir. 2018). But courts "are not obliged to accept

as true legal conclusions or unsupported conclusions of fact." *Hickey v. O'Bannon*, 287 F.3d 656, 658 (7th Cir. 2002).

7. The plaintiffs fail to state a claim for which relief can be granted.

8. SB 10 does not put an undue burden on the right to vote under the First and Fourteenth Amendments of the United States Constitution because there is no requirement to give special treatment to students attending public universities or colleges and there is a rational basis for the law.

9. Further, SB 10 does not deny or abridge anyone's right to vote on account of age and thus does not violate the Twenty-Sixth amendment.

10. The State Defendants incorporate their contemporaneously filed memorandum in support of this motion.

WHEREFORE, the State Defendants ask the Court to dismiss the case in its entirety and grant all other appropriate relief.

Respectfully submitted,

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By: */s/ Jefferson S. Garn*

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