

No. 26-1783

**UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT**

Count US IN, *et al.*,
Plaintiffs-Appellees,

v.

Diego Morales, in his official capacity as Indiana Secretary of State, *et al.*,
Defendants-Appellants.

On Appeal from the United States District Court
for the Southern District of Indiana, Indianapolis Division
No. 1:25-cv-864-RLY-MKK
The Honorable Judge Richard L. Young

**BRIEF OF PLAINTIFFS-APPELLEES COUNT US IN,
WOMEN4CHANGE AND JOSH MONTANGE**

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APPEARANCE & CIRCUIT RULE 26.1 DISCLOSURE STATEMENT

Appellate Court No: 26 01783Short Caption: Count US IN v. Morales

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Attorney's Signature: /s/ Max C. Accardi Date: July 16, 2026Attorney's Printed Name: Max C. AccardiPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☐ No ☒Address: 250 Massachusetts Ave NW Suite 400
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Attorney's Signature: /s/ Jeffrey A. Macey Date: July 16, 2026Attorney's Printed Name: Jeffrey A. MaceyPlease indicate if you are *Counsel of Record* for the above listed parties pursuant to Circuit Rule 3(d). Yes ☐ No ☒Address: 429 N. Pennsylvania Street Ste 204Indianapolis, IN 46204Phone Number: (317) 637-2345 Fax Number: 317-637-2369E-Mail Address: jmacey@maceylaw.com

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iv
INTRODUCTION	1
JURISDICTIONAL STATEMENT	5
STATEMENT OF THE ISSUES	6
STATEMENT OF THE CASE	7
A. For twenty years, Indiana students used their student ID cards to vote.....	7
B. Indiana singled out student ID for exclusion.	9
C. Students face unique barriers to obtaining voter ID.....	11
D. The District Court granted a preliminary injunction based on a detailed review of the record.	13
SUMMARY OF ARGUMENT	15
STANDARD OF REVIEW.....	20
ARGUMENT	20
I. Appellants cannot rewrite the <i>Anderson-Burdick</i> standard.	21
A. <i>Anderson-Burdick</i> does not limit its inquiry to burdens borne by “most voters.”	22
B. <i>Anderson-Burdick</i> requires a flexible, balancing approach, not rigid tiers of scrutiny.	29
II. The Student ID Ban unconstitutionally burdens the right to vote.....	31
A. The district court’s findings on burden were not clearly erroneous.	32

B. The district court’s findings on the proffered state interests were not clearly erroneous.....	39
C. The district court’s factual findings support its legal conclusions and distinguish this case from <i>Crawford</i>	46
III. The district court’s injunction was proper.	53
A. Plaintiffs have satisfied the requirements for a facial challenge.....	53
B. The injunction was not improperly broad.	55
IV. The remaining preliminary injunction factors favor relief.	61
A. <i>Purcell</i> does not bar relief.	61
B. Plaintiffs have shown irreparable harm.....	62
C. The district court properly weighed the equities and the public interest.	64
CONCLUSION	65

TABLE OF AUTHORITIES

	Page(s)
CASES	
<i>Abbott Labs v. Mead Johnson & Co.</i> , 971 F.2d 6 (7th Cir. 1992)	20, 32
<i>Acevedo v. Cook Cnty. Officers Electoral Bd.</i> , 925 F.3d 944 (7th Cir. 2019)	16, 21, 22, 30, 31, 51
<i>ACLU of Ill. v. Alvarez</i> , 679 F.3d 583 (7th Cir. 2012)	64
<i>Ams. for Prosperity Found. v. Bonta</i> , 594 U.S. 595 (2021)	54, 55
<i>Anderson v. Celebrezze</i> , 460 U.S. 780 (1983)	2, 6, 16, 17, 21, 24–26, 29, 30, 31
<i>Anderson v. City of Bessemer</i> , 470 U.S. 564 (1985)	32
<i>BABE VOTE v. McGrane</i> , 546 P.3d 694 (Idaho 2024)	50
<i>Bucklew v. Precythe</i> , 587 U.S. 119 (2019)	55
<i>Bullock v. Carter</i> , 405 U.S. 134 (1972)	25
<i>Burdick v. Takushi</i> , 504 U.S. 428 (1992)	2, 6, 21, 52
<i>Callais v. Louisiana</i> , 146 S. Ct. 1111 (2026)	63
<i>Cellco P’ship v. City of Milwaukee</i> , 140 F.4th 854 (7th Cir. 2025)	56

<i>Common Cause Ind. v. Lawson</i> , 490 F. Supp. 3d 1311 (S.D. Ind. 2020)	31
<i>Common Cause Ind. v. Marion Cnty. Election Bd.</i> , 311 F. Supp. 3d 949 (S.D. Ind. 2018)	26, 27
<i>Common Cause R.I. v. Gorbea</i> , 970 F.3d 11 (1st Cir. 2020)	45, 46
<i>Common Cause/Ga. v. Billups</i> , 554 F.3d 1340 (11th Cir. 2019)	58
<i>Council of Alt. Pol. Parties v. Hooks</i> , 121 F.3d 876 (3d Cir. 1997)	54
<i>Crawford v. Marion Cnty. Election Bd.</i> , 553 U.S. 181 (2008)	3, 13, 18, 22, 25, 27–30, 48–51, 56
<i>D.U. v. Rhoades</i> , 825 F.3d 331 (7th Cir. 2016)	20, 61, 62
<i>Estrada-Martinez v. Lynch</i> , 809 F.3d 886 (7th Cir. 2015)	32–34
<i>FDA v. All. for Hippocratic Med.</i> , 602 U.S. 367 (2024)	60
<i>Fednav Int’l Ltd. v. Cont’l Ins. Co.</i> , 624 F.3d 834 (7th Cir. 2010)	34, 40
<i>Fish v. Schwab</i> , 957 F.3d 1105 (10th Cir. 2020)	51, 52
<i>Frank v. Walker</i> , 768 F.3d 744 (7th Cir. 2014)	27, 28, 36, 49
<i>GELT Outdoor, LLC v. City of Evansville</i> , 110 F.4th 935 (7th Cir. 2024)	55
<i>Gill v. Scholz</i> , 962 F.3d 360 (7th Cir. 2020)	30, 31, 49

<i>Ginsu Prods., Inc. v. Dart Indus., Inc.</i> , 786 F.2d 260 (7th Cir. 1986)	32
<i>Gray v. Sanders</i> , 372 U.S. 368 (1963)	57
<i>Hussey v. City of Portland</i> , 64 F.3d 1260 (9th Cir. 1995)	26
<i>In re Outboard Marine Corp.</i> , 386 F.3d 824 (7th Cir. 2004)	65
<i>Ind. Democratic Party v. Rokita</i> , 458 F. Supp. 2d 775 (S.D. Ind. 2006)	3
<i>Ind. State Conf. of the NAACP v. Lawson</i> , 326 F. Supp. 3d 646 (S.D. Ind. 2018)	63, 64
<i>Joelner v. Vill. of Wash. Park</i> , 378 F.3d 613 (7th Cir. 2004)	65
<i>Jud. Watch, Inc. v. Ill. State Bd. of Elections</i> , No. 1:24-CV-1867, 2025 WL 2712209 (N.D. Ill. Sep. 23, 2025)	60
<i>League of Women Voters of N.C. v. North Carolina</i> , 769 F.3d 224 (4th Cir. 2014)	53, 63
<i>Libertarian Party of Ill. v. Scholz</i> , 872 F.3d 518 (7th Cir. 2017)	24
<i>Luft v. Evers</i> , 963 F.3d 665 (7th Cir. 2020)	49, 58
<i>March for Our Lives Idaho v. McGrane</i> , 749 F. Supp. 3d 1128 (D. Idaho 2024)	50
<i>Mays v. LaRose</i> , 951 F.3d 775 (6th Cir. 2020)	24
<i>McCleskey v. Zant</i> , 499 U.S. 467 (1991)	40

<i>Merrill v. Milligan</i> , 142 S. Ct. 879 (2022)	63
<i>Mich. State A. Philip Randolph Inst. v. Johnson</i> , 833 F.3d 656 (6th Cir. 2016)	26
<i>Moody v. NetChoice, LLC</i> , 603 U.S. 707 (2024)	54
<i>Nairne v. Landry</i> , 151 F.4th 666 (5th Cir. 2025)	60
<i>Obama for Am. v. Husted</i> , 697 F.3d 423 (6th Cir. 2012)	52
<i>Ohio Democratic Party v. Husted</i> , 834 F.3d 620 (6th Cir. 2016)	31
<i>One Wis. Inst., Inc. v. Nichol</i> , 186 F. Supp. 3d 958 (W.D. Wis. 2016)	57
<i>People First of Ala. v. Merrill</i> , 491 F. Supp. 3d 1076 (N.D. Ala. 2020)	45
<i>Philly’s v. Byrne</i> , 732 F.2d 87 (7th Cir. 1984)	24
<i>Project Vote, Inc. v. Kemp</i> , 208 F. Supp. 3d 1320 (N.D. Ga. 2016)	64
<i>Purcell v. Gonzalez</i> , 549 U.S. 1 (2006)	4
<i>Reps. Comm. for Freedom of the Press v. Rokita</i> , 147 F.4th 720 (7th Cir. 2025)	61
<i>Republican Nat’l Comm. v. N.C. State Bd. of Elections</i> , 120 F.4th 390 (4th Cir. 2024)	60
<i>Republican Party of Ark. v. Faulkner County</i> , 49 F.3d 1289 (8th Cir. 1995)	26

<i>Slaney v. The Int’l Amateur Athletic Fed’n</i> , 244 F.3d 580 (7th Cir. 2001)	56
<i>Soltysik v. Padilla</i> , 910 F.3d 438 (9th Cir. 2018)	52
<i>Speech First, Inc. v. Killeen</i> , 968 F.3d 628 (7th Cir. 2020)	20
<i>Student Org. Comm. v. Hargett</i> , 155 F. Supp. 3d 749 (M.D. Tenn. 2015)	50, 56
<i>Tashjian v. Republican Party of Conn.</i> , 479 U.S. 208 (1986)	52
<i>Thayer v. City of Chicago</i> , 110 F.4th 1040 (7th Cir. 2024)	55
<i>Trump v. CASA, Inc.</i> , 606 U.S. 831 (2025)	56
<i>Tully v. Okeson</i> , 78 F.4th 377 (7th Cir. 2023)	65
<i>UAW v. Brock</i> , 477 U.S. 274 (1986)	57, 58
<i>United Food & Com. Workers v. Brown Grp., Inc.</i> , 517 U.S. 544 (1996)	57
<i>United States v. Arroyo</i> , 75 F.4th 705 (7th Cir. 2023)	39
<i>United States v. Edwards</i> , 34 F.4th 570 (7th Cir. 2022)	32
<i>United States v. Garibay</i> , 621 F. App’x 843 (7th Cir. 2015)	39, 47
<i>United States v. Kincaid</i> , 811 F. App’x 362 (7th Cir. 2020)	36

<i>Valencia v. City of Springfield</i> , 883 F.3d 959 (7th Cir. 2018)	20
<i>Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.</i> , 454 U.S. 464 (1982)	60
<i>Whole Woman’s Health v. Hellerstedt</i> , 579 U.S. 582 (2016)	37
<i>Wis. Voter All. v. Millis</i> , 166 F.4th 627 (7th Cir. 2026)	60

STATUTES

Ala. Code § 17-9-30	45
Ala. Code § 17-10-2	45
Ark. Code Ann. § 7-5-305	45
Ga. Code Ann. § 21-2-417	45
Ind. Code § 3-11-10-24	13, 39
Ind. Code § 3-11.7-5-2.5	13, 39
Ind. Code § 3-5-2-40.5 (2005)	1
Ind. Code § 3-5-2.1-84 (2025)	6–10, 40, 46, 64
Ind. Code § 3-5-2.1-90	35
Ind. Code § 3-6-3.7-2	65
Ind. Code § 3-6-4.2-2	65
Kan. Stat. Ann. § 25-2908	45
Ky. Rev. Stat. § 117.225	45
La. Rev. Stat. Ann. § 18:562	45

Miss. Code Ann. § 23-15-563.....	45
Mont. Code Ann. § 13-13-114	45
N.H. Rev. Stat. Ann. § 659:13	45
Neb. Rev. Stat. § 32-123	45
S.D. Codified Laws § 12-18-6.1.....	45
Utah Code Ann. § 20A-1-102	45
W. Va. Code § 3-1-34.....	45

RULES

Fed. R. Civ. P. 52(a)(6).....	32
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INTRODUCTION

For 20 years, Indiana used neutral criteria to determine which forms of identification could be used to confirm a voter's identity at the polls. Under those criteria, any ID issued by the State of Indiana or the United States could be used to vote so long as it included: (1) the voter's name, (2) the voter's photograph, and (3) an expiration date. Ind. Code § 3-5-2-40.5(a) (2005). Because student IDs issued by Indiana's public colleges and universities generally meet these criteria, over the past two decades, tens of thousands of Indiana students have used their student IDs to vote.

Senate Bill 10 changed that. The new law categorically prohibits the use of student IDs—and only student IDs—for voting. *See id.* § 3-5-2.1-84(c) (eff. July 1, 2025) (the “Student ID Ban”). Every other form of ID that meets the voter ID law's neutral criteria remains valid, and some IDs qualify without meeting them. Student ID is the singular exception.

After reviewing deposition and written testimony from four experts, seven fact witnesses, and Plaintiffs themselves, along with nearly 150 exhibits, the district court assessed the Ban under the framework set forth in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), and *Burdick v.*

Takushi, 504 U.S. 428 (1992), which requires courts to weigh the burden a restriction imposes against the precise interests the State contends it serves. Based on detailed fact findings, the court concluded that Plaintiffs were likely to succeed on the merits of their claim that the Student ID Ban unconstitutionally burdens the right to vote, in violation of the First and Fourteenth Amendments, and granted Plaintiffs' motion for a preliminary injunction. Order (Dkt. 98).¹ "On this record," the court concluded, "SB 10 looks more like a solution in search of a problem." Order at 30.

Appellants seek to reverse that conclusion by rewriting the Student ID Ban, the governing legal standard, and the nature of this challenge . They recast the Student ID Ban as a mere "clarification" that student ID cannot be used to vote. Unable to prevail under governing precedent, Appellants replace *Anderson-Burdick's* flexible approach with a rigid, two-tiered test that applies strict scrutiny only when a law burdens "most voters," and near total deference for everything else.

¹ Citations to "Dkt. __" are to the district court docket, No. 1:25-CV-00864-RLY-MKK (S.D. Ind.). Citations to "Ex. __" are to Plaintiffs' Preliminary Injunction Exhibits, Dkts. 86-2 to -9 and 96-2. Indices of exhibits are available at Dkts. 86-1 and 96-1. Citations to "Defs.' Ex. __" are to Appellants' Preliminary Injunction Exhibits, Dkts. 92-1 to -21.

Appellants likewise attempt to reframe Plaintiffs' narrow challenge regarding a single form of ID as a reprise of *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008), where the Supreme Court rejected a broad challenge to Indiana's entire voter-ID law. But both the scope and the record here differ from *Crawford* in every way that mattered to the Supreme Court's analysis. Far from seeking to re-litigate *Crawford*, the injunction Plaintiffs seek would restore the neutral criteria for voter ID that the *Crawford* Court upheld. Indeed, the district court in *Crawford* described Indiana's voter-ID law as permitting multiple forms of ID, including "university-issued identification cards." *Ind. Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 789 (S.D. Ind. 2006), *aff'd sub nom. Crawford v. Marion Cnty. Election Bd.*, 553 U.S. 181 (2008).

Setting aside Appellants' attempts to rewrite the law, the record, and the nature of this challenge, this case is straightforward: the district court faithfully applied *Anderson-Burdick* to a detailed factual record. And though Appellants quibble with the factual findings that undergird the court's analysis, they are reviewable only for clear error—a standard Appellants never attempt to satisfy.

Amici fare no better. State amici would discard *Anderson-Burdick* altogether, and the United States attacks an opinion the district court did not write, contending that it found a heightened burden based on disparate impact alone. The court did no such thing: consistent with precedent, it explicitly required—and found—concrete evidence of the burden’s magnitude.

Facing strong headwinds on the merits, Appellants attack the injunction itself. They challenge its scope even though the record supports statewide relief. They invoke *Purcell v. Gonzalez*, 549 U.S. 1 (2006), but the preliminary injunction was issued well before the November general election and its early voting period, which remain months away. And they attempt to re-weigh the equities, without explaining how the district court abused its discretion.

This Court should affirm.

JURISDICTIONAL STATEMENT

Plaintiffs Count US IN and Women4Change are non-profit corporations incorporated and operating in Indiana. The jurisdictional summary in Appellants' brief is otherwise complete and correct.

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STATEMENT OF THE ISSUES

1. Whether the district court properly concluded, under *Anderson v. Celebrezze*, 460 U.S. 780 (1983), and *Burdick v. Takushi*, 504 U.S. 428 (1992), that Plaintiffs are likely to succeed on the merits of their claim that the Student ID Ban in Indiana Senate Bill 10 violates the First and Fourteenth Amendments to the U.S. Constitution by imposing burdens on the right to vote that are not justified by the asserted state interests.

2. Whether the district court properly entered statewide preliminary relief, where Plaintiffs challenged a categorical statewide rule and statewide relief is necessary to redress Plaintiffs' injuries.

3. Whether the district court abused its discretion in balancing the preliminary injunction factors and granting a preliminary injunction.

STATEMENT OF THE CASE

A. For twenty years, Indiana students used their student ID cards to vote.

In 2005, Indiana enacted a voter ID law, requiring voters to present photo ID to cast ballots at the polls. Any photo ID sufficed if it (1) displayed the voter's name; (2) included the voter's photograph; (3) displayed an expiration date; and (4) was issued by the government of the United States or Indiana. Ind. Code § 3-5-2.1-84(a) (2025). A wide range of IDs satisfied these requirements, Ex. 1, including student IDs issued by many Indiana public universities, Ex. 1 at 5; Ex. 2 at 18.

For nearly two decades, hundreds of thousands of students could use student ID cards to vote. They regularly did so. *See* Ex. 5 ¶¶ 8–12; Ex. 6 ¶¶ 11–18; Ex. 7 ¶¶ 6–8. The election supervisor for Monroe County, which includes Indiana University-Bloomington, estimated that in the November 2024 general election, about two-thirds of voters at the on-campus polling place used student IDs. Ex. 8.

These students were overwhelmingly young. At Indiana's public colleges and universities, 74.1 percent of voting-age students are between 18 and 24, compared to 9.5 percent statewide. Ex. 2 at 12–13.

Recognizing the importance of student IDs to students' exercise of the franchise, some public universities modified their student ID cards to conform to the voter ID law's requirements. *See* Exs. 15–17. And when Purdue shifted to mobile ID cards in 2023, it provided students physical, “vote ready” ID cards that could be printed on-site at polling locations. Ex. 18 at 9.

For many students, student ID made the difference in whether they could vote. *See, e.g.,* Ex. 7 ¶¶ 6–8; Ex. 5 ¶¶ 8–12. Students are far less likely than other voters to possess the most common alternative forms of ID, such as an Indiana driver's license or ID card. Only 73.4 percent of Hoosiers between the ages of 18 and 24 have a driver's license, *see* Ex. 2 at 12–13, and out-of-state students, who constitute more than one-third of students at schools with qualifying IDs, are even less likely to have Indiana-issued ID. *Id.* at 11; *see, e.g.,* Ex. 7 ¶¶ 10–11; Ex. 5 ¶ 9.

Monroe County's election-day check-in data illustrates the point. In the 2022 and 2024 general elections, all but 5.1 percent of Monroe County voters scanned an Indiana driver's license or state ID at the polls on election day. Ex. 2 at 15. But in precincts on or adjacent to Indiana University's campus, that number roughly triples—and in one case,

nearly quadruples. *Id.* at 15–16. In other words, campus-area precincts are outliers—and they are outliers in precisely the way one would expect since students are less likely to have Indiana driver’s licenses and state IDs. Student ID helped bridge that gap.

B. Indiana singled out student ID for exclusion.

In April 2025, Indiana enacted Senate Bill 10, which amended Indiana’s voter ID law to exclude student ID cards. Ind. Code. § 3-5-2.1-84(c). The Legislature did not change the law’s longstanding criteria for acceptable photo ID. Instead, it added a targeted rule that carved out student IDs—and only student IDs—for exclusion: “proof of identification” for voting purposes **“does not include a document issued by an educational institution.”** *Id.* (emphasis added).

Before SB 10, every amendment to Indiana’s voter-ID law had moved in the opposite direction, easing criteria for military, Veterans Affairs, and tribal identification to allow IDs that lacked an expiration date. *See* Exs. 31–36. SB 10 was the first time Indiana singled out a previously accepted form of ID and barred its use at the polls. Any other form of ID that satisfies the statute’s neutral criteria—and even some

that do not—remains valid. Only students are told that their widely held, government-issued ID does not count.

Legislators were warned about the Ban's effects. When SB 10 was debated in the legislature, Defendant Angie Nussmeyer, Co-Director of the Indiana Election Division, predicted that SB 10 would “severely limit public state college and university students,” Ex. 46 at 1, and “foreclose . . . many college students . . . from being able to vote,” since, for some students, “their student ID may be the only form of identification to vote in person on or before Election Day.” *Id.* at 1, 4; *see also* Ex. 45 at 36–78, 117–18.

Supporters of the Student ID Ban described it primarily as an election-integrity measure. *See, e.g.,* Ex. 47 at 6–7; Ex. 45 at 32–33; Ex. 48 at 9; Ex. 49 at 29. But none of the bill's proponents presented evidence that student ID has caused any election-integrity problem. *See generally* Exs. 45, 47–52. SB 10's proponents also suggested that poll workers might struggle to determine which student IDs were valid for voting. *See* Ex. 47 at 14. Again, they offered nothing to substantiate this concern. *See* Exs. 45, 47–52. And poll worker training materials suggest the opposite,

addressing student ID only briefly when explaining the voter ID rules. *See, e.g.*, Exs. 63–69.

C. Students face unique barriers to obtaining voter ID.

The Legislature’s decision to exclude student ID for voting creates genuine obstacles for the students it affects. Obtaining a student ID is a routine and accessible part of student life. Indiana University issues them for free, and students can obtain one by presenting any government-issued ID, along with proof of their status as a student. Exs. 71–72. Other forms of ID that satisfy Indiana’s voter-ID law require documents that students are less likely to possess.

To obtain an Indiana driver’s license or state ID card, for example, an applicant must submit proof of identity, lawful status, Social Security number, and Indiana residency. Exs. 75–76. Each of these requirements poses difficulties for students. Many do not have ready access to their birth certificates (which prove identity and lawful status) while at school, and obtaining one requires identification, fees, and up to 16 weeks of processing time. *See* Ex. 7 ¶ 12; Ex. 2 at 8; Ex. 5 ¶ 9; Exs. 77–78, 81–82. A student who orders a birth certificate after arriving on campus when

school starts in August may not receive it in time to obtain an ID and vote in November.

Proof-of-residency and Social Security documents present similar challenges. Students who live on campus often do not have mortgages, rental contracts, homeowner's insurance, or utility bills in their own names. *See, e.g.*, Exs. 76, 86–87. Many do not receive medical bills at their campus address because young people may remain on their parents' health insurance until age 26. Ex. 88. Full-time students are also significantly less likely to be employed, which means they are also less likely to have pay stubs or tax forms to prove residence or Social Security. *Compare* Ex. 89 at 2, *with* Ex. 90 at 1. Obtaining a replacement Social Security card requires these same documents, plus an in-person visit to a Social Security office. Exs. 91–92.

These document-related burdens operate alongside practical constraints common to student life, like inflexible class schedules, limited access to transportation, and limited funds. *See* Ex. 7 ¶ 16; Ex. 93 ¶ 14; Ex. 48 at 18–19; Exs. 94–95. Students and younger voters also move more frequently and have less experience navigating the voting process. Ex. 2 at 8; Ex. 5 ¶ 12.

Nor can students rely on the safety valves designed for voters who lack identification. Indiana offers a free “Identification Card” that can be used to vote, Ex. 96, but the documents required to obtain it are not free and have become more burdensome to acquire since Indiana enacted its voter-ID law. Ex. 2 at 9–10; Ex. 73 at 5–6; Ex. 74 at 4. Absentee voting, which *Crawford* found mitigated the burden on elderly and disabled voters who disproportionately lack ID, is generally unavailable to students, unless they are absent from the county for the entire time polls are open on election day. Ind. Code § 3-11-10-24; *Crawford*, 553 U.S. at 191. And a provisional ballot is counted only if the voter later provides qualifying ID within 10 days of the election, Ind. Code § 3-11.7-5-2.5(a)–(b), which does not help students who lack qualifying ID in the first place.

D. The District Court granted a preliminary injunction based on a detailed review of the record.

Shortly after the Student ID Ban was enacted, Plaintiffs filed this lawsuit, alleging that the Ban unconstitutionally burdens the right to vote in violation of the First and Fourteenth Amendments and intentionally discriminates against young voters in violation of the Twenty-Sixth Amendment. *See* Compl. (Dkt. 1). After discovery, Plaintiffs moved for a preliminary injunction pursuant to a schedule

agreed upon by the parties. *See* Pls.' Br. Supp. Prelim. Inj. (Dkt. 86); Scheduling Order (Dkt. 82).

After weighing an evidentiary record including testimony from four experts, seven fact witnesses, and Plaintiffs, plus nearly 150 exhibits, the district court granted Plaintiffs' preliminary injunction motion on April 14, 2026. The court found that the Student ID Ban weighed most heavily on students and young voters, that this group of voters was less likely to possess alternative ID and faced more barriers in obtaining it than the broader population, and that the safety valves that mitigate the burden on other voters who lack ID are not generally accessible to students. Order at 18–27.

Assessing the two state interests Appellants raised—voter confidence and orderly election administration—the court found no evidence that student ID had ever caused a problem in those areas or showing that the student ID Ban would actually serve those interests; it also found that the Ban would likely disrupt orderly election administration by creating an exception to Indiana's standard voter ID rules. Order at 27–31.

Based on those findings, the district court concluded that Plaintiffs were likely to show that the Student ID Ban unconstitutionally burdened the right to vote, in violation of the First and Fourteenth Amendments. Order at 31.²

On April 20, 2026, this Court stayed the preliminary injunction pending appeal, reasoning that since early voting for the primaries had already begun, the injunction risked disruption to the ongoing election. Opinion at 4 (7th Cir. Apr. 20, 2026) (per curiam) (App. Dkt. 12). The Court also stated that it had “no doubt” there was a live case or controversy because “[t]he student plaintiff . . . has standing, and it appears that one plaintiff organization, Women4Change Indiana, has associational standing.” Opinion at 3.

SUMMARY OF ARGUMENT

The district court faithfully applied precedent, made factual findings supported by the record, and acted within its discretion in granting preliminary relief. Appellants’ merits argument depends on rewriting the governing legal standard, ignoring clear-error review, and

² Because the court granted relief on Plaintiffs’ First and Fourteenth Amendment claim, it declined to decide their Twenty-Sixth Amendment claim. Order at 15.

treating *Crawford* as though it upheld every future restriction Indiana might impose on voter identification. None of those arguments warrants reversal.

I. Appellants' merits argument depends on a version of the *Anderson-Burdick* test no court has adopted.

A. At *Anderson-Burdick*'s first step, courts assess the "character and magnitude" of the burden a voting restriction imposes, including whether that burden falls more heavily on an identifiable group of voters. *Anderson*, 460 U.S. at 789. Appellants would instead require courts to ignore burdens unless they affect "most voters." That rule would allow a State to target discrete groups of voters it disfavors so long as the majority remains untouched. *Anderson-Burdick* does not permit that result.

B. The second step of *Anderson-Burdick* requires a "flexible" analysis, where the level of scrutiny depends on "the extent of [the law's] imposition" on the right to vote. *Acevedo v. Cook Cnty. Officers Electoral Bd.*, 925 F.3d 944, 948 (7th Cir. 2019). Appellants replace that balancing test with two rigid tiers of scrutiny, applying strict scrutiny to "severe" burdens and near-total deference to anything short of that—with nothing

in the middle. But whatever the size of the burden, *Anderson-Burdick* requires courts to “determine the legitimacy and strength of each of [the State’s asserted] interests” and “the extent to which those interests make it necessary to burden the plaintiff’s rights.” *Anderson*, 460 U.S. at 789. The district court applied *Anderson-Burdick* as precedent requires. No court has adopted Appellants’ reimagined test.

II. The district court properly concluded that Plaintiffs are likely to succeed on their First and Fourteenth Amendment claim. That conclusion rests on factual findings reviewed only for clear error—a standard Appellants never attempt to satisfy.

A. The record supports the district court’s findings that the Student ID Ban falls most heavily on students and young voters; that tens of thousands of students likely lack acceptable alternative ID; and that students face concrete barriers in obtaining other forms of qualifying ID.

B. The record also supports the district court’s findings on the State’s asserted interests. Appellants failed to show that student IDs have ever reduced voter confidence, confused poll workers, or otherwise impeded election administration during the nearly twenty years Indiana

accepted them. And the record suggests the Ban is likely counterproductive to the state's interest in orderly election administration because it creates an exemption for a single form of ID that otherwise satisfies Indiana's neutral criteria. Appellants' attempt to add a new fraud rationale on appeal is forfeited, since they failed to assert it below. Even if it were properly before the Court, it is unsupported by evidence. And Appellants' remaining arguments merely ask this Court to reweigh the record.

The district court faithfully applied the *Anderson-Burdick* legal framework to its factual findings, balancing the moderate burden it found against the state's asserted interests. Appellants point to no case where a restriction survived *Anderson-Burdick* review even though it disproportionately affected an identifiable group of voters who face greater relevant burdens than the electorate at large and lack reliable safety valves that would enable them to vote; and even though the record did not show the restriction served the state's asserted interests.

The court correctly distinguished this case from the Supreme Court's decision in *Crawford v. Marion County Election Board*, 553 U.S. 181 (2008). Unlike in *Crawford*, the district court here found concrete

evidence regarding whom the Ban burdens, how many of the affected population likely lack alternatives, what obstacles those voters face in obtaining other ID, and why Indiana's safety valves for voters who lack ID do not meaningfully protect them.

III. Appellants' objections to the scope of relief fail. Their facial-challenge argument is not applicable in the *Anderson-Burdick* context. Once the district court found that the categorical exclusion of student IDs imposes unjustified burdens on the right to vote, it resolved the question whether the Ban is constitutional.

Nor was the injunction improperly broad. Count US IN and Women4Change suffer statewide organizational injuries because the Ban impairs their voter-registration, turnout, and election-protection work across Indiana. Women4Change also has associational standing on behalf of its approximately 10,000 members. Complete relief for those injuries requires enjoining the Ban statewide.

IV. The district court did not abuse its discretion in its assessment of the remaining preliminary injunction factors. *Purcell* does not bar an injunction now: the November general election is months away. Plaintiffs also established irreparable harm because burdens on

voting rights cannot be remedied after an election; there is no do-over. And the equities and public interest favor preventing enforcement of a voting restriction that unconstitutionally burdens students and Indiana's youngest voters.

STANDARD OF REVIEW

When evaluating a preliminary injunction, this Court “review[s] the district court’s findings of fact for clear error, its legal conclusions *de novo*, and its balancing of the factors for a preliminary injunction for abuse of discretion.” *D.U. v. Rhoades*, 825 F.3d 331, 335 (7th Cir. 2016). The district court “abuses its discretion when it commits a clear error of fact or an error of law.” *Abbott Labs v. Mead Johnson & Co.*, 971 F.2d 6, 13 (7th Cir. 1992). “Absent such errors,” this Court “afford[s] a district court’s decision ‘great deference.’” *Speech First, Inc. v. Killeen*, 968 F.3d 628, 638 (7th Cir. 2020) (quoting *Valencia v. City of Springfield*, 883 F.3d 959, 966 (7th Cir. 2018)).

ARGUMENT

Appellants’ merits argument fails in three steps. First, they ask this Court to replace *Anderson-Burdick* with a rule that ignores burdens unless they affect “most voters” and treats any non-severe burden as

virtually immune from review. Second, Appellants' factual attacks fail clear error review; indeed, Appellants do not even attempt to apply the governing standard. Third, with the district court's factual findings in place, Appellants cannot show any legal error in the district court's application of *Anderson-Burdick*. The court did exactly what Supreme Court and Seventh Circuit precedent require: it assessed the burden, weighed it against the State's precise interests, and distinguished *Crawford* based on the materially different record before it.

I. Appellants cannot rewrite the *Anderson-Burdick* standard.

Courts assess voting restrictions under the framework set forth in *Anderson v. Celebrezze*, 460 U.S. 780 (1983), and *Burdick v. Takushi*, 504 U.S. 428 (1992). The analysis proceeds in two parts. First, the court assesses the “character and magnitude” of the burden. *Acevedo*, 925 F.3d at 948 (quoting *Anderson*, 460 U.S. at 789). Second, it “evaluate[s] the precise interests put forward by the State as justifications for the burden” and “weigh[s] these interests against the burdened rights.” *Id.*

Appellants do not merely misapply this framework; they reimagine it entirely. Their merits argument depends heavily on two propositions: first, that burdens only warrant heightened scrutiny when “most voters”

are affected by them, Appellants’ Br. 19–20; and second, that *Anderson-Burdick* imposes two rigid tiers of scrutiny: strict scrutiny for “severe” burdens, and near total deference for anything short of severe—with nothing in the middle. *Id.* at 31–32. Precedent forecloses both attempts to reconfigure the governing law.

State amici go further, urging this Court to discard *Anderson-Burdick* altogether and apply rational-basis review unless a law is facially discriminatory or blocks physical access to the polling place. *See* States’ Amicus Br. 6–7. Precedent rejects that radical proposition. *Anderson-Burdick* “applies to *all* First and Fourteenth Amendment challenges to state election laws.” *Acevedo*, 925 F.3d at 948. And even “slight” burdens must be justified by relevant and sufficiently weighty state interests. *See Crawford*, 553 U.S. at 191.

A. *Anderson-Burdick* does not limit its inquiry to burdens borne by “most voters.”

Appellants’ first move is to redefine whose burdens matter. According to Appellants, courts applying *Anderson-Burdick* may not evaluate burdens based on the voters to whom a challenged restriction actually applies. Instead, courts may assess burdens only with respect to

the electorate as a whole—and heightened scrutiny is warranted only if “most voters” feel their impact. Appellants’ Br. 19–20.

On that theory, Appellants contend that this case was already decided in *Crawford*, where the Supreme Court considered a broad challenge to Indiana’s entire voter ID law. In their view, because the denominator is always the entire electorate, the district court erred by evaluating the burdens imposed on voters who actually possess student IDs, rather than treating Plaintiffs’ challenge identically to the broad attack at issue in *Crawford*. *Id.* at 18–19.

But *Anderson-Burdick* considers the burden on the voters to whom the challenged restriction applies—not just the undifferentiated majority. *Anderson* itself proves the point. There, the Court evaluated Ohio’s filing deadline for independent candidates by considering the burden on independent candidates and “*independent-minded voters*,” not by averaging the burden out across voters to whom the rule did not apply. *Anderson*, 460 U.S. at 790 (emphasis added). This Court took the same approach in *Libertarian Party of Illinois v. Scholz*, applying heightened scrutiny based on the burden a ballot access requirement imposed on those to whom it applied in practice—“minor parties, their members, and

voters”—not by asking only whether most voters were burdened. 872 F.3d 518, 524, 523–26 (7th Cir. 2017) (Sykes, J.). Indeed, as the Sixth Circuit has observed, “[a]ll binding authority to consider the burdensome effects of disparate treatment on the right to vote has done so from the perspective of only affected electors—not the electorate as a whole.” *Mays v. LaRose*, 951 F.3d 775, 785 (6th Cir. 2020) (Nalbandian, J.).

Appellants identify no decision adopting their rule, and for good reason. *Anderson-Burdick* does not insulate restrictions targeting a minority of voters solely because the majority is unaffected. *Philly’s v. Byrne*, 732 F.2d 87, 91 (7th Cir. 1984) (observing that constitutional protections exist to protect “electoral minorities” against “the tyranny of majorities”). The appropriate denominator here is the set of eligible voters who have qualifying student IDs—the vast majority of whom are young voters and students—not voters who do not possess student ID in the first place. *See* Order at 18–27.

Appellants separately argue that courts applying *Anderson-Burdick* cannot consider whether a challenged restriction falls more heavily on some groups of voters than others in assessing the burden it imposes. Appellants’ Br. 19–20. Precedent says the opposite. *Anderson*

held that burdens that “place[] a particular burden on an identifiable segment” of the community are “especially difficult for the State to justify.” 460 U.S. at 792–93 & n.15.³ In reaching that conclusion, the Court drew from *Bullock v. Carter*, which invalidated candidate filing fees because they disproportionately burdened “the less affluent segment of the community.” 405 U.S. 134, 144 (1972). Although *Anderson* and *Bullock* involved different election rules, the constitutional concern was the same: election restrictions distort the political process when they erect barriers that create “disparit[ies] in voting power.” *Anderson*, 460 U.S. at 793 & n.15.

Applying *Anderson*, federal courts consistently treat disproportionate burdens as relevant to the weighing analysis. *See, e.g., Common Cause Ind. v. Marion Cnty. Election Bd.*, 311 F. Supp. 3d 949,

³ Appellants claim that considering disparate impact would expose every voting law to strict scrutiny whenever plaintiffs identify a burdened subgroup, like “[t]he elderly, the poor, rural residents, the disabled, [and] community college students,” and “label [them as] a ‘class.’” Appellants’ Br. 19–20. But disparate impact does not automatically invoke strict scrutiny; it is one factor in the *Anderson-Burdick* weighing analysis. *See Crawford*, 553 U.S. at 199–202. And *Anderson* expressly requires courts to consider disparate impact even when the affected voters “cannot be described by reference to discrete and precisely defined segments of the community as is typical of inequities challenged under the Equal Protection Clause.” *Anderson*, 460 U.S. at 793 n. 15.

968 (S.D. Ind. 2018) (burdens merit greater scrutiny when they are “unevenly distributed across identifiable groups ‘whose members share a particular’ . . . age”), *consent decree vacated on other grounds*, 925 F.3d 928 (7th Cir. 2019); *see also Mich. State A. Philip Randolph Inst. v. Johnson*, 833 F.3d 656, 663–65 (6th Cir. 2016) (affirming the district court’s finding that Michigan’s elimination of straight ticket voting imposed an intermediate burden on the right to vote because that state action “would likely have a larger impact on African-American voters”); *Republican Party of Ark. v. Faulkner County*, 49 F.3d 1289, 1297–98 (8th Cir. 1995) (applying heightened scrutiny to a requirement that parties fund their own primary elections because it unequally burdened the Republican Party, which had less access to funds); *Hussey v. City of Portland*, 64 F.3d 1260, 1265–66 (9th Cir. 1995) (applying strict scrutiny under *Anderson-Burdick* to a voting restriction because it “disproportionately affect[ed] the poor”).

Appellants argue otherwise by invoking *Crawford* and *Frank v. Walker*, 768 F.3d 744 (7th Cir. 2014), Appellants’ Br. at 19–20, but neither held that disparate impact is irrelevant under *Anderson-Burdick*. To the contrary, both decisions analyzed the evidence about such burdens

before concluding that the plaintiffs in those cases had failed to prove them. *Crawford*, 553 U.S. at 199–202; *Frank*, 768 F.3d at 753–55. Indeed, Justice Scalia criticized the controlling opinion in *Crawford* precisely because it “assum[ed]” that burdens borne by particular groups of voters were relevant, rather than limiting its analysis to the law’s “effect on voters generally.” *Crawford*, 553 U.S. at 204, 208 (Scalia, J., concurring); see also *Common Cause Ind.*, 311 F. Supp. 3d at 968 (“*Crawford* found a six–Justice majority for the general proposition that it ‘matters’ in the *Anderson–Burdick* analysis whether the effects of a facially neutral and nondiscriminatory law are unevenly distributed across identifiable groups.”). Appellants cannot transform that concurrence into the governing rule.

Crawford and *Frank* also involved materially different challenges. The plaintiffs in those cases sought to invalidate voter-identification requirements applicable to *every* voter based on the burdens borne by a comparatively small subgroup. See *Crawford*, 553 U.S. at 200; *Frank*, 768 F. 3d at 745. In broad challenges like theirs, the impact on one subgroup, even if relevant to the analysis, did not justify invalidating an identification requirement applicable to the entire electorate. See

Crawford, 553 U.S. at 202–03 (evaluating “*only* the statute’s *broad application to all Indiana voters*” when concluding that the law imposed a limited burden) (emphasis added). Here, Plaintiffs do not seek to invalidate Indiana’s voter ID law. They challenge only the exclusion of one form of identification predominantly used by students and young voters. In that context, evidence that the Ban falls disproportionately on students carries weight.

The United States argues a point not at issue here: that “disparate impact alone cannot establish a Fourteenth Amendment violation.” U.S. Br. 3. That attacks a straw man. The district court did not find that the Student ID Ban was unconstitutional “*solely* because it exerted a disparate impact on students and young voters.” *Id.* at 13 (emphasis added). Indeed, the court expressly stated that disparate impact, on its own, was not enough; rather, “[t]o demonstrate that a restriction imposes a special burden on a class of voters, one must at least provide the number of voters affected and ‘concrete evidence of the burden imposed on the voters who currently lack’ a permissible form of photo identification.” Order at 20 (quoting *Crawford*, 553 U.S. at 200–201). Based on the record, the court found both. *Id.* at 20–27. The Ban’s

weightier impact on students and young voters was not dispositive; it was a *factor* in the court's *Anderson-Burdick* analysis. See *Anderson*, 460 U.S. at 792–93.

B. *Anderson-Burdick* requires a flexible, balancing approach, not rigid tiers of scrutiny.

Appellants rewrite *Anderson-Burdick*'s second step. They recast *Anderson-Burdick*'s balancing approach as a binary test: once a court concludes that a burden is not “severe,” the constitutional analysis is effectively over. State interests need not actually justify the burden; it is enough that plausible State interests exist. Appellants’ Br. 31–32. On that view, they contend that the district court erred by assessing whether the State’s asserted interests made it “necessary” to justify the burden the Ban imposes. *Id.* at 32.

But the district court’s assessment was not error; it was faithful application of precedent. Whatever the magnitude of the burden, courts must “look to the ‘legitimacy and strength’ of the proffered interests, as well as ‘the extent to which those interests make it *necessary* to burden the plaintiff’s rights.’” *Acevedo*, 925 F.3d at 948 (quoting *Anderson*, 460 U.S. at 789) (emphasis added). Appellants cite no contrary authority because none exists. Even “slight” burdens must be “justified by relevant

and legitimate state interests sufficiently weighty to justify the limitation.” *Crawford*, 553 U.S. at 191.

Appellants also contend that the district court erred by calibrating the scrutiny it applied to the “moderate” burden it found the Ban imposes. Appellants’ Br. 31. They assert that *Anderson-Burdick* permits only two rigid tiers of scrutiny—strict scrutiny for severe burdens and near-total deference for anything less—and “[t]here is no intermediate tier.” *Id.* at 31–32.

That is not how *Anderson-Burdick* works. The framework is “flexible,” *Gill v. Scholz*, 962 F.3d 360, 364 (7th Cir. 2020), and “the level of scrutiny applied to the challenged restriction ‘depends on the extent of [the law’s] imposition’” on the right to vote. *Common Cause Ind. v. Lawson*, 490 F. Supp. 3d 1311, 1328 (S.D. Ind. 2020) (quoting *Acevedo*, 925 F.3d at 948). What Appellants mistake for rigid tiers of scrutiny are simply the two ends of *Anderson-Burdick*’s sliding scale. Between those poles, courts calibrate the weight given to the State’s interests according to the burden imposed. *See Gill*, 962 F.3d at 365 (“[*Anderson-Burdick*’s] balancing test requires careful analysis of the facts and should ‘not be automatic’”) (quoting *Anderson*, 460 U.S. at 789); *see also Ohio*

Democratic Party v. Husted, 834 F.3d 620, 627 (6th Cir. 2016) (“[R]egulations that impose a more-than-minimal but less-than-severe burden[]require a ‘flexible’ analysis”) (quotations omitted).

Appellants’ rule abandons *Anderson-Burdick*’s defining feature: its flexible balancing test. The district court properly applied that framework. Appellants’ merits argument requires replacing that framework with a rigid binary the Supreme Court never adopted and lower federal courts have never applied.

II. The Student ID Ban unconstitutionally burdens the right to vote.

Beyond Appellants’ attempts to reconfigure the legal standard, their brief consists principally of disagreements with the district court’s factual findings. That approach faces strong headwinds: this Court reviews the district court’s factual findings for “clear error.” Fed. R. Civ. P. 52(a)(6); *Abbott Labs*, 971 F.2d at 13. A court of appeals may not reverse merely because it “would have weighed the evidence differently.” *Ginsu Prods., Inc. v. Dart Indus., Inc.*, 786 F.2d 260, 263 (7th Cir. 1986). To be overturned on clear error review, “[a] factual finding must be ‘illogical or implausible’ or lack ‘support in inferences that may be drawn from the facts in the record.’” *Estrada-Martinez v. Lynch*, 809 F.3d 886,

895 (7th Cir. 2015) (quoting *Anderson v. City of Bessemer*, 470 U.S. 564, 577 (1985)).

Appellants do not satisfy—or even argue—that standard. Instead, they relitigate the evidence and ignore findings that cut against their position. This cannot justify reversal. See *United States v. Edwards*, 34 F.4th 570, 586 (7th Cir. 2022) (litigant who “d[id] not explain how the district court’s factual findings were clearly erroneous” and merely asked the appellate court “to reweigh the evidence” could not satisfy clear error standard).

A. The district court’s findings on burden were not clearly erroneous.

The district court’s conclusion that the Student ID Ban imposes a moderate burden on students and young voters is grounded in detailed factual findings. See Exs. 1–120; Defs.’ Exs. 1–21.⁴ Appellants never come close to showing that these findings are “illogical or implausible” or

⁴ The United States wrongly characterizes the district court’s reasoning as imposing a “one-way ratchet” under which any voting accommodation, once offered, can never be withdrawn. U.S. Br. 4–8. Longstanding reliance on student ID is *relevant* to the burden caused by withdrawing it; it is not dispositive. The district court properly treated students’ reliance as one factor in *Anderson-Burdick*’s fact-intensive inquiry, not as a litmus test.

unsupported by reasonable inferences from the record. *Estrada-Martinez*, 809 F.3d at 895.

The district court first found that the Student ID Ban falls more heavily on students and young voters. Order at 18–20. Students and young voters “possess a sizable majority of public-university-issued IDs.” *Id.* at 18–19. They also rely more heavily on student IDs to vote because—as Appellants themselves concede—they are less likely than the electorate at large to possess an acceptable alternative, such as a driver’s license. *Id.* at 19 (quoting Appellants’ statement below that university “faculty, staff, and affiliates” are “more likely to possess alternate forms of ID”). Aside from reiterating their legal argument that these disparities do not matter, Appellants do not challenge those factual findings.

Next, to assess the magnitude of the burden, the district court estimated that approximately 40,000 students possess a student ID that satisfied Indiana’s voter ID requirements before the Ban but lack an acceptable alternative. Order at 20–21. To arrive at that estimate, the district court adopted Plaintiffs’ expert’s methodology, but independently modified the calculation to produce a more conservative estimate by accounting for passport possession. *Id.* at 21 n.4. The resulting estimate

rested on undisputed enrollment data, driver's license possession rates, and passport possession rates. *Id.*

Appellants now criticize that calculation. But Appellants never challenged Plaintiffs' expert's methodology in the preliminary injunction proceedings below. *See id.* at 21 n.4 (observing that “[n]either the Defendants nor the court objects to the expert’s methodology”). Having raised no objection to that methodology below, Appellants cannot now fault the district court for relying on it—particularly after the court revised the calculation in Appellants’ favor. *See Fednav Int’l Ltd. v. Cont’l Ins. Co.*, 624 F.3d 834, 841 (7th Cir. 2010) (“[A] party who fails to adequately present an issue to the district court has waived the issue for purposes of appeal.”).

In any event, Appellants identify no errors; they merely speculate about other ways the court might have calculated its estimate. First, Appellants argue that the estimate includes ineligible voters because some students may not qualify as Indiana residents. Appellants’ Br. 22–23.⁵ But Indiana law permits students to register where they attend school. As the Secretary of State confirms, students “may register at

⁵ The calculation already excluded non-citizens. Ex. 2 at 11–12, 18.

school, if they so choose,” regardless of “where students plan to return after attending college, or during summer and winter breaks.” Ex. 70 at 1.⁶ The district court’s analysis tracks that evidence. Nor do Appellants show that accounting for additional forms of ID would materially alter the estimate; the record shows that only 3.3% of Indiana voters possess state-issued non-driver IDs, Ex. 2 at 13, and there is no evidence that a meaningful number of students lacking driver’s licenses and passports possess military IDs or other alternatives. The district court was not required to speculate otherwise. “[Q]uarrelling with the district court’s reasonable inference from the evidence is not enough to show clear error.” *United States v. Kincaid*, 811 F. App’x 362, 367 (7th Cir. 2020).⁷

Appellants next contend that the district court simply “assumed” that every student lacking a driver’s license or passport “face[s] a moderate burden.” Appellants’ Br. 23 (citing *Frank*, 768 F.3d at 748). But

⁶ Appellants appear to suggest that a student must intend to stay in Indiana *after* college to qualify as a resident, Appellants’ Br. 23, but the record contradicts that reading, and Indiana’s residency requirement turns on *present* intent, not future plans, *see* Ind. Code § 3-5-2.1-90.

⁷ The district court’s calculation was also conservative because, in accounting for passport possession, it used the national passport-possession rate of slightly over 50 percent, Order at 21 n.4, but Indiana has one of the lowest rates of passport possession in the nation—only 35.5 percent of Hoosiers of any age have a valid passport. Ex. 83 at 1.

the court's conclusion on burden was not based on assumptions. It rested on extensive evidence showing that students face practical obstacles to obtaining alternative ID that the electorate at large generally does not. Order at 21–27.

Appellants cannot dislodge those factual findings. They misrepresent the basis for the district court's finding that documents proving identity and legal status are less accessible for students, claiming it relies solely on anecdotal accounts by two students. Appellants' Br. 27. In fact, the district court identified structural reasons birth certificates are more difficult for students to obtain. Order at 22–23. Obtaining a birth certificate requires a form of identification that lists an address matching the address for the certificate—a barrier for the significant portion of students who live on-campus and who regularly relocate. *Id.* at 23. And obtaining a passport—the other document that proves identity and legal status—requires a birth certificate. *Id.* Appellants ignore those findings, which amply support the court's conclusions.

The witness accounts Appellants dismiss also support the district court's findings of fact. Ms. Kuhl testified that students are less likely to have access to their birth certificates based on her experience assisting

student voters while running on-campus voter registration drives, Ex. 5 ¶¶ 5–7, 9, and Mr. Montagne testified to both his personal experience and confirmed that many of his peers face similar barriers, *see, e.g.*, Defs.’ Ex. 12 at 40:24–42:20; 45:21–47:10; 73:23–74:4. It was not error for the district court to draw reasonable inferences based on that testimony. *See Whole Woman’s Health v. Hellerstedt*, 579 U.S. 582, 621 (2016) (“Courts are free to base their findings on commonsense inferences drawn from the evidence.”), *as revised* (June 27, 2016), *abrogated on other grounds by Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215 (2022).

Nor did the district court err when it found that students are less likely to possess documents that prove residency, much less the *two* required to obtain a driver’s license or state ID. *See* Order at 23–24. The court arrived at this finding based on evidence showing that a significant portion of students live on campus and therefore lack a mortgage, rental contract, homeowner’s insurance, or utility bills in their own names, Exs. 78–80, 86–87; that students under age 26 can remain on their parents’ health insurance and would therefore not receive medical bills at their campus address, Ex. 88; and that students are less likely than other adults to be employed, so they are less likely to have pay stubs or tax

forms tied to their residence, Exs. 89–90. Appellants do not engage with that evidence beyond mischaracterizing it, and they identify nothing in the record to the contrary.

Likewise, Appellants identify no evidence undermining the district court’s findings—based on both student testimony and supporting documentation—that constraints like inflexible class schedules, limited transportation, and limited funds make securing alternative ID comparatively more burdensome for students. See Order at 24–25; Ex. 7 ¶¶ 9, 11; Ex. 93 ¶¶ 11–14; Exs. 89–90, 95. Because “nothing in the record compels the conclusion[s] [Appellants] urge[], there can be no clear error.” *United States v. Arroyo*, 75 F.4th 705, 710 (7th Cir. 2023).

The district court also found that the “safety valves” in Indiana law that were central to the Supreme Court’s conclusions in *Crawford* will not meaningfully protect students and young voters here. Order at 24, 26–27. The “free” ID requires documentation that students may struggle to assemble, Ex. 73 at 56; Ex. 74 at 4; Ex. 91 at 10 n.29; Exs. 76, 89–90, 92; absentee voting is unavailable to most young voters, Ind. Code § 3-11-10-24; and provisional ballots help only if the voter can present qualifying ID within 10 days, Ind. Code § 3-11.7-5-2.5(a)–(b)—leaving

students who lack ID with the same problem after election day. Appellants disagree with the district court's conclusions but can neither show they are unsupported nor identify anything that contradicts them. Appellants' Br. 28, 30.

The district court's findings on burden are firmly grounded in the record; Appellants merely question the inferences the district court drew from the evidence and replace them with inferences of their own. That cannot establish clear error. *See United States v. Garibay*, 621 F. App'x 843, 846 (7th Cir. 2015) (no clear error where "ample evidence supports the district court's conclusion").

B. The district court's findings on the proffered state interests were not clearly erroneous.

Appellants invoke three state interests to justify the Student ID Ban. Appellants' Br. 32. One is forfeited. Although Appellants now assert an interest in "deterring and detecting voter fraud," they failed to raise that rationale below. *Id.*; see Defs.' Opp'n Prelim. Inj. (Dkt. 91) at 23–25; Order at 28 ("In *Crawford*, Indiana largely relied on its interest 'in deterring and detecting voter fraud' to justify its voter ID law. But Defendants do not invoke this interest to justify SB 10.") (citations omitted). They cannot introduce that justification for the first time on

appeal. *See Fednav*, 624 F.3d at 841 (“[A] party has waived the ability to make a specific argument for the first time on appeal when the party failed to present that specific argument to the district court, even though the issue may have been before the district court in more general terms”).⁸ In any event, there is no evidence in the record that student ID as voter ID has ever resulted in voter fraud, either in Indiana or anywhere in the United States.

That leaves two asserted interests: promoting voter confidence and ensuring orderly election administration. Appellants’ Br. 32. The district court found both unsupported by the evidence—and found that the Student ID Ban was more likely to complicate election administration than improve it. Order at 28, 30–31. Appellants respond with argument and speculation, but nothing that shows clear error.

As to voter confidence, the district court found that Appellants “offer little evidence” that excluding student IDs would advance that interest. Order at 28. Indeed, the record contains no such evidence at all.

⁸ Nor can the United States revive the fraud-prevention rationale as amicus. *See McCleskey v. Zant*, 499 U.S. 467, 523 n.10 (1991) (“It is well established, however, that this Court will not consider an argument advanced by *amicus* when that argument was not raised or passed on below”) (collecting cases).

Although Appellants forcefully argue that photo-ID laws may increase voter confidence as a general matter, Appellants' Br. 32, *student ID is photo ID*. Evidence that photo ID generally promotes voter confidence is not evidence that excluding one form of photo identification does so. Appellants' own evidence illustrates the point. As their expert acknowledged, one of the studies on which Appellants rely found that photo ID laws *permitting student ID* reduce the public perception of voter fraud. See Ex. 103 at 73:14–74:14; Order at 28–29. And both experts who addressed voter-confidence admitted they were unaware of any study demonstrating a connection between banning student ID and improving voter confidence. Ex. 104 at 123:5–22; Ex. 102 at 228:12–19; Order at 28–29. Unable to contest the district court's findings, Appellants speculate about why banning voter ID might promote voter confidence. Appellants' Br. 37–38. But bare argument cannot establish that the district court clearly erred in evaluating the record.

The district court likewise found that Appellants failed to substantiate their election-administration rationale. It determined that the Ban *undermines* the State's interest in objective and uniform rules because "it creates an exception for a single form of voter ID that

otherwise meets the law's neutral requirements." Order at 30. The record supports that finding. Indeed, Appellants' own election administration expert agreed that departures from neutral voter ID requirements creates confusion for poll workers. Ex. 102 at 116:4–18, 117:14–118:8, 235:9–17; *see also id.* 118:9–18 ("Q: [T]he easiest situation for poll workers and the optimal situation is that the same criteria apply to all ID . . . Is that right? A: Yeah, I mean, I would say that is a perfect state for the administration of an election."). Appellants never argue that this finding was clear error.

The district court also found that "Defendants provide[d] no evidence that student IDs have ever caused confusion or otherwise complicated election administration." Order at 30. Appellants identify nothing that undermines the district court's conclusion. Instead, they change the subject, protesting that "there is evidence of *potential* confusion among local officials and poll workers." Appellants' Br. 34 (emphasis added). Even that is unsupported; the expert testimony they cite concerns potential confusion over whether *digital* IDs may be accepted—not student IDs themselves. Defs.' Ex. 5 ¶ 41. And the same expert testified that any confusion caused by digital ID was only

“margin[al],” Ex. 102 at 235:9–22, and would be resolved so long as students still retained access to physical IDs, *id.* 152:11, 153:6–16—which the undisputed evidence confirms that they do. *See* Ex. 12 at 21:6–23; Defs.’ Ex. 6 ¶ 15; Defs.’ Ex. 7 ¶ 13; Defs.’ Ex. 17 at 28:15–29:22; Defs.’ Ex. 18 at 13:15–24.⁹

Appellants likewise challenge the district court’s finding that “the characteristics of student IDs that Defendants warn may cause confusion are equally applicable to other forms of ID that the law still permits.” Order at 30; Appellants’ Br. 35. But they never engage with the evidence supporting that finding, including testimony by their own expert. *See* Ex. 102 at 166:13–19 (“Q: Does Indiana only allow voter ID that . . . does not have the ... problems that you identify [in your report with respect to student ID]? A: No. Q: Okay. And does it allow some forms of ID that

⁹ Appellants also state that some universities’ use of digital IDs “means that fewer university IDs would have been valid.” Appellants’ Br. 34. They cite no evidence for that claim and the record contains none. Students testified that they still used their physical student IDs even after being issued digital ID, *see* Ex. 12 at 21:6–23; Defs.’ Ex. 6 ¶ 15; Defs.’ Ex. 7 ¶ 13; Defs.’ Ex. 17 at 28:15–29:22; Defs.’ Ex. 18 at 13:15–24. That is unsurprising; Appellants point to no evidence that students must *physically surrender* their physical IDs when they receive voter IDs. And at least one major university affirmatively printed physical IDs specifically to enable students to vote, even after launching digital IDs campuswide. Ex. 18 at 9.

have all of these problems? A: Yes.”); *see also id.* 88:2–9, 93:11–94:1, 95:5–8, 100:8–12, 110:12–18, 111:7–25, 113:4–8, 122:23–123:7, 123:20–123:13, 146:6–10.

Appellants nevertheless assert that variability among student IDs complicates poll-worker training and increases the risk of error. Appellants’ Br. 33. They never explain how this affirmative argument shows the district court erred. In any event, no evidence supports that claim. Their own expert admitted he did not know whether Indiana’s public-university IDs actually exhibit the supposed defects he identifies, such as weak security standards or frequent reissuance. *See, e.g.,* Ex. 102 at 144:14–17 (“Q: So do you actually know whether student IDs in Indiana are changed more frequently than other types of IDs that are accepted to vote? A: I don’t.”); *id.* at 138:16–142:2.¹⁰ Nor could the county

¹⁰ Appellants’ own evidence confirms that eligible public-university IDs are not materially variable. Indiana University and Purdue IDs both bear expiration dates and are valid for six years. Defs.’ Ex. 6 ¶¶ 9–10; Defs.’ Ex. 7 ¶ 15. Ivy Tech’s only noted variation is that some ID cards lack expiration dates, Defs.’ Ex. 8 ¶ 5, a feature Indiana expressly permits for military, Veterans Affairs, and tribal IDs. And Appellants’ expert deemed student IDs variable based primarily on private-institution IDs that were never eligible for voting; as to public universities, he identified only Purdue digital IDs not used for voting and older Indiana University cards since replaced with cards bearing expiration dates. *See* Defs.’ Ex. 4 ¶ 58.

administrator Appellants cite fill that gap. Her declaration states only that “a variety of identification cards can cause confusion and delays on election day.” Defs.’ Ex. 9 ¶ 6. It does not address student IDs specifically or suggest they have ever caused confusion in practice.¹¹

Appellants also dispute the district court’s finding that “before SB 10, student IDs merited only brief mention in poll-worker trainings.” Order at 30. They respond that “fully 56 pages are devoted to teaching poll workers about IDs.” Appellants’ Br. 34. That is misleading. Appellants reach that number by adding together *every page from every training document in the record*, including three versions of the same 13-page “example packet” from the Secretary of State’s office. *See* Dkt. 86-7

¹¹ Nor do amici states provide any support for Appellants’ voter-confusion concern. Though the amici states all have voter ID laws, more than half accept student ID to vote. *See* Ala. Code §§ 17-9-30, 17-10-2; Ark. Code Ann. § 7-5-305; Ga. Code Ann. § 21-2-417; Kan. Stat. Ann. § 25-2908; Ky. Rev. Stat. § 117.225; La. Rev. Stat. Ann. § 18:562; Miss. Code Ann. § 23-15-563; Mont. Code Ann. § 13-13-114; Neb. Rev. Stat. § 32-123; N.H. Rev. Stat. Ann. § 659:13; S.D. Codified Laws § 12-18-6.1; Utah Code Ann. § 20A-1-102(81); W. Va. Code § 3-1-34. There is no indication that *any* have experienced any trouble administering secure and reliable elections without banning student ID. *See generally* States’ Amicus Br.; *see also People First of Ala. v. Merrill*, 491 F. Supp. 3d 1076, 1149 (N.D. Ala. 2020) (finding state interest in voting restriction “marginal at best” where only 12 states had adopted anything similar (quoting *Common Cause R.I. v. Gorbea*, 970 F.3d 11, 14 (1st Cir. 2020))).

at 439–55, 477–93, 588–604. As the district court concluded, those materials do not show that student IDs created unique challenges; they treat student IDs like any other qualifying ID. Of the more than a dozen examples of ID included in the packet, only three are student IDs. *Id.* at 443, 449, 452.

In short, Appellants fail to show that the district court erred in any of its findings. Each is supported by the evidence, and on clear error review, Appellants cannot reverse them by asking this Court to draw contrary inferences from the same record. *Garibay*, 621 F. App'x at 846.

C. The district court's factual findings support its legal conclusions and distinguish this case from *Crawford*.

Having failed to show clear error in the district court's factual findings, Appellants can prevail on the merits only if the district court misapplied the law to those facts. In short, they must show that the Student ID Ban survives *Anderson-Burdick* review even though it disproportionately affects students and young voters, who are less likely to have alternative ID, face greater burdens to obtaining it than the electorate at large, and lack reliable safety valves that would enable them to vote; and even though the record does not show the Ban serves the state's asserted interests—and suggests it is more likely

counterproductive instead.

Appellants cite to no case upholding a voting restriction on a similar record. They therefore seek reversal primarily by reconfiguring the *Anderson-Burdick* test, *see supra* § I, and their remaining arguments largely recycle the same flawed theories. That approach fails. The district court faithfully applied the *Anderson-Burdick* framework as this Court and the U.S. Supreme Court direct.

Appellants rely heavily on *Crawford*, arguing that it dictates the outcome as a matter of law. That argument rests on the mistaken premise that the Ban's specific impact on students and young voters cannot be separately considered. *See supra* § I.A. Failing that, Appellants are left with factual findings they cannot show are error—and which precedent confirms have legal weight.

The record here differs from *Crawford* in every way that mattered to the Supreme Court's analysis. In *Crawford*, the Court could not confirm the existence or magnitude of any disparate burdens “on the basis of the evidence in the record.” *Crawford*, 553 U.S. at 200. Here, the district court found that the Ban falls disproportionately on students and young voters and estimated that approximately 40,000 students possess

an ID that formerly qualified but no acceptable alternative. Order at 18–21. *Crawford* found no “concrete evidence” of the burden Indiana’s voter-ID law imposed on voters who lacked qualifying ID. 553 U.S. 200–01. Here, the district court made detailed findings explaining why the students and young voters who bear the Ban’s effects are less likely to possess alternative ID and face greater burdens in obtaining it. Order at 21–27. And *Crawford* emphasized mitigating safety valves that the district court found do not meaningfully protect students here. 553 U.S. at 181, 198, 201; Order at 24, 26–27.

Those distinctions answer Appellants’ reliance on *Frank*. See Appellants’ Br. 23. *Frank* faulted the district court for treating lack of ID as dispositive without determining whether *obtaining* ID would be burdensome. 768 F.3d at 748. Here, the district court conducted precisely that analysis. Order at 21–27; see also *Luft v. Evers*, 963 F.3d 665, 679 (7th Cir. 2020) (recognizing that “[t]hose who find it difficult to assemble the required documentation face ‘somewhat heavier’ burdens”) (quoting *Crawford*, 553 U.S. at 199).

Appellants’ efforts to graft *Crawford* onto this case also overlook the record-dependent nature of the *Anderson-Burdick* inquiry. The

Anderson-Burdick balancing test “requires courts ‘to conduct fact-intensive analyses when evaluating state electoral regulations.’” Order at 18; *see Gill*, 962 F.3d at 365 (remanding where the district court relied too heavily on an analogous case and “neglected to perform the fact-intensive analysis required for the *Anderson-Burdick* balancing test”). *Crawford* itself repeatedly framed its conclusions “on the basis of the evidence in the record.” 553 U.S. at 200, 202. *Crawford* does not impose a blanket rule that every change to Indiana’s voter ID law is constitutional regardless of the evidence. It requires precisely the analysis the district court performed.¹²

Appellants’ other legal arguments fare no better. They reprise their

¹² Appellants point to three cases where they claim lower courts “recognized that *Crawford* forecloses the argument that a State must relax its identification requirements for students simply because some allege hardship.” Appellants’ Br. 21. That mischaracterizes both the nature of Plaintiffs’ claims and those courts’ holdings. One of the three was a state law case that brought claims exclusively under the Idaho State Constitution. *See BABE VOTE v. McGrane*, 546 P.3d 694 (Idaho 2024). The second reached its conclusion on the record before it, not because *Crawford* dictated the outcome. *See March for Our Lives Idaho v. McGrane*, 749 F. Supp. 3d 1128, 1147–49 (D. Idaho 2024), *argued*, No. 24-6376 (9th Cir. Sep. 17, 2025). In the third, there was no ban on student IDs—the challenged voter ID law never permitted student IDs in the first place. *See Nash. Student Org. Comm. v. Hargett*, 155 F. Supp. 3d 749, 750–51 (M.D. Tenn. 2015).

claim that burdening tens of thousands of students does not matter because “most voters” remain unaffected. Appellants’ Br. 22. But *Anderson-Burdick* measures burdens from the perspective of the voters to whom they apply. *See supra* § IA. And courts have imposed heightened scrutiny on restrictions that burden comparable numbers of voters. *See, e.g., Fish v. Schwab*, 957 F.3d 1105, 1133 (10th Cir. 2020) (“[T]he evidence of the approximately 30,000 disenfranchised voters means that heightened scrutiny is appropriate.”).

Appellants also contend that Plaintiffs failed to identify voters “unable to vote” because of the Ban. Appellants’ Br. 24. But *Anderson-Burdick* asks whether a restriction burdens the right to vote, not whether the burden is impossible to overcome. Mr. Montagne has no qualifying alternative ID and obtaining one would impose significant burdens. *See* Order at 24–26; Defs.’ Ex. 12 at 20:15–21:3, 73:19–75:16. Taylor Sand has no qualifying ID at school because she has no secure place to keep her passport. Defs.’ Ex. 17 at 8:21–10:17. Absent an injunction, neither Mr. Montagne nor Ms. Sand will be able to vote using the identification available to them. Ex. 7 ¶ 8; Ex. 93 ¶ 10. *Anderson-Burdick* does not give states free license to impose any burden so long as it falls short of an

absolute bar. *Acevedo*, 925 F.3d at 948.

The district court also properly weighed the State's asserted interests in light of its factual findings. Even "slight" burdens must be supported by "relevant" justifications. *Crawford*, 553 U.S. at 191. That dooms the voter-confidence rationale, since no evidence suggests banning student ID serves that goal. Order at 28–29; *supra* at § IIB; *Fish*, 957 F.3d at 1133 (finding state interest cannot justify a voting restriction absent "evidence supporting the relevance of these interests in this case").

As for orderly election administration, the district court found the Ban was likely counterproductive, causing confusion rather than preventing it. Order at 30. Appellants cannot justify the Ban with an interest it undermines. See *Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 219–22 (1986); see *Soltysik v. Padilla*, 910 F.3d 438, 447 (9th Cir. 2018) (finding an "important government interest" insufficient where the court "struggle[d] to understand how [the challenged statutes] . . . advance[d] that goal").

Appellants' election-administration rationale independently fails because they "provide no evidence that student IDs have ever caused

confusion or otherwise complicated election administration.” Order at 30. Even legitimate state interests cannot justify a burden on the right to vote without “concrete evidence that ‘those interests make it necessary to burden the plaintiff’s rights.’” *Fish*, 957 F.3d at 1132 (quoting *Burdick*, 504 U.S. at 434); see also *Obama for Am. v. Husted*, 697 F.3d 423, 434 (6th Cir. 2012) (“With no evidence that local boards of elections have struggled to cope with [the issue] . . . the State has not shown that its regulatory interest in smooth election administration is ‘important,’ much less ‘sufficiently weighty’ to justify the burden.”).

Appellants insist they may act preemptively to combat confusion. But the record does not show that banning student ID would serve that aim, or that confusion over student ID is a plausible risk—particularly after nearly two decades of allowing student ID for voting without any evidence that it has ever caused a problem. Order at 30. The State “cannot burden the right to vote in order to address dangers that are remote and only ‘theoretically imaginable.’” *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 246 (4th Cir. 2014) (quotations omitted).

Appellants’ primary objection is that the district court erred by

asking whether it was “necessary” to burden the right to vote. That objection fails twice over. *Anderson-Burdick* requires that inquiry. See *supra* § II.B. And in any event, the district court’s findings leave the argument with no work to do. Appellants assume that the Ban advances the interests they invoke. The record shows that it does not, and Appellants have not shown that those findings were clear error. Where a state cannot “articulate how achieving [its] goals makes it at all necessary or desirable to” burden the right to vote, there is “nothing to weigh on the [state’s] side” of “the *Anderson[-Burdick]* balancing analysis.” *Council of Alt. Pol. Parties v. Hooks*, 121 F.3d 876, 881 (3d Cir. 1997).

III. The district court’s injunction was proper.

A. Plaintiffs have satisfied the requirements for a facial challenge.

Appellants contend that Plaintiffs are not entitled to relief because they failed to make the showing required for a facial challenge. Appellants’ Br. 39. Appellants misunderstand both the cases they invoke and the nature of *Anderson-Burdick*. The test Appellants borrow—which asks whether a law’s “unconstitutional applications substantially outweigh its constitutional ones”—comes from the First Amendment

overbreadth doctrine. *Moody v. NetChoice, LLC*, 603 U.S. 707, 724 (2024). Ordinarily, a facial challenge must show that a law is invalid in all its applications or lacks a “plainly legitimate sweep.” *Ams. for Prosperity Found. v. Bonta*, 594 U.S. 595, 615 (2021). But to protect expression, courts may also invalidate laws regulating protected speech as overbroad “if a substantial number of its applications are unconstitutional,” compared to its constitutional applications. *Id.* In the cases Appellants cite, this Court applied that test in a First Amendment overbreadth challenge, see *GELT Outdoor, LLC v. City of Evansville*, 110 F.4th 935 (7th Cir. 2024), and a due-process vagueness challenge, *Thayer v. City of Chicago*, 110 F.4th 1040 (7th Cir. 2024), which involves similar concerns that an otherwise legitimate law may sweep in protecting conduct by failing to sufficiently define it.

That analysis does not fit *Anderson-Burdick*—and Appellants cite no cases applying it in this context. Facial-challenge requirements turn on “the substantive rule of law necessary to establish a constitutional violation.” *Bucklew v. Precythe*, 587 U.S. 119, 138 (2019). Here, *Anderson-Burdick* supplies that rule, and that framework already considers the scope of the burden across the population to whom the challenged

restriction applies. If the character and magnitude of a restriction's burdens outweigh the State's justifications for it, the restriction is unconstitutional. In short, *Anderson-Burdick* already requires courts to consider voters who are *not* burdened, as well as those who are.

Appellants' reliance on *Crawford* illustrates the point. Because the plaintiffs there challenged the voter-ID requirement in its entirety, the Court assessed the burden in light of the law's "broad application to all Indiana voters." 553 U.S. at 202–203. Here, Plaintiffs challenge a far narrower restriction, and the denominator is the voters to whom that exclusion applies. The district court found that the Ban burdens a significant portion of that population. Order at 18–27. Once the Ban fails *Anderson-Burdick*, the Ban *itself* is unconstitutional—and there are no constitutional applications to consider.

B. The injunction was not improperly broad.

Appellants challenge the scope of the district court's injunction under *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), asserting that relief must be limited to the named individual plaintiff, Josh Montagne because the district court did not separately assess the organizational Plaintiffs' standing. But the record establishes that Count US IN and

Women4Change suffer injuries that can only be redressed by enjoining the Student ID Ban in its entirety. This Court may affirm the injunction's scope on that basis. *See Slaney v. The Int'l Amateur Athletic Fed'n*, 244 F.3d 580, 597 (7th Cir. 2001); *see also Cellco P'ship v. City of Milwaukee*, 140 F.4th 854, 859 (7th Cir. 2025) (stating that an appeals court may review standing "if necessary, sua sponte," based on the record).

Start with Women4Change. This Court has already recognized that "one plaintiff organization, Women4Change Indiana, has associational standing." Opinion at 3. The record confirms that conclusion. Women4Change has 10,000 members throughout Indiana, approximately 3,000 of whom are students. Ex. 14 ¶¶ 5, 9. At least one member—who submitted a sworn declaration—wants to use student ID to vote but cannot because of the Ban. Ex. 97 ¶¶ 5, 7. Promoting student voting is central to Women4Change's mission, Ex. 14 ¶ 4, and it seeks only equitable relief, so individual participation is unnecessary. *See UAW v. Brock*, 477 U.S. 274, 282, 288 (1986); *United Food & Com. Workers v. Brown Grp., Inc.*, 517 U.S. 544, 546 (1996).

Appellants object that Women4Change's identified member is not "unable to vote" because of the Ban. Appellants' Br. 43–44. But "any

person whose right to vote is impaired . . . has standing to sue.” *Gray v. Sanders*, 372 U.S. 368, 375 & n.7 (1963). Federal courts therefore consistently find that plaintiffs have standing to challenge voter-ID requirements even when they have a qualifying ID. *See, e.g., One Wis. Inst., Inc. v. Nichol*, 186 F. Supp. 3d 958, 965–66 (W.D. Wis. 2016) (holding that plaintiffs had standing to challenge voter ID law even though they had qualifying IDs), *aff’d in part and rev’d in part on other grounds, Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020); *Common Cause/Ga. v. Billups*, 554 F.3d 1340, 1351–52 (11th Cir. 2019) (“Even if [plaintiffs] possess[] an acceptable form of photo identification, they would still have standing to challenge the statute that required them to produce photo identification to cast an in-person ballot.”).

Appellants also suggest that individual participation is required because members may be injured in different ways or to different degrees. Appellants’ Br. 44. The Supreme Court has rejected that theory: the relevant question is whether “the remedy, if granted, will inure to the benefit of those members of the association actually injured.” *UAW*, 477 U.S. at 288. A statewide injunction does so here because

Women4Change's injured student members live and vote throughout Indiana.

Count US IN and Women4Change also have organizational standing. Both organizations register, educate, and assist voters statewide, with a focus on students. Ex. 6 ¶¶ 7–9; Ex. 14 ¶ 4. The Ban makes that work more time-consuming and less effective. Interactions with student voters that previously were straightforward now require Plaintiffs to explain that student ID no longer qualifies, identify alternative forms of ID, help students determine whether they possess them, and troubleshoot if they do not. Defs.' Ex. 13 at 70:8–17, 83:3–20, 106:17–111:9; Defs.' Ex. 14 at 50:5–22, 72:23–74:12. Plaintiffs also must train staff and volunteers to provide that new guidance. Defs.' Ex. 13 at 55:10–58:11, 60:14–19. And despite these efforts, the Ban diminishes Plaintiffs' effectiveness because at least some students they register or assist will be turned away at the polls. *Id.* at 110:11–111:9; Ex. 6 ¶¶ 8–9, 12–13; Ex. 14 ¶¶ 13–14.

The Ban separately impairs Count US IN's Election Defenders program, which sends volunteers to polling places, including near public university campuses, to assist voters. Defs.' Ex. 13 at 52:13–54:15, 128:2–

129:2. Because the Ban will cause more students to be turned away, those volunteers will have to spend time addressing ID-related emergencies, leaving less capacity to perform the program's other functions, including answering voter questions, encouraging voters in line, and identifying accessibility issues at polling places. *Id.* at 53:13–54:15, 129:3–132:16.

Those are *Havens* injuries. Unlike in *Alliance*, Plaintiffs do not assert standing based on advocacy expenses or public education about the “risks of a challenged government action.” *Wis. Voter All. v. Millis*, 166 F.4th 627 (7th Cir. 2026) (Brennan, C.J., concurring) (quoting *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 394–95 (2024)). They challenge the Ban because it “impairs [their] ability to provide” core voter-registration, turnout, and election-protection services. *All. for Hippocratic Med.*, 602 U.S. at 395 (quoting *Valley Forge Christian Coll. v. Ams. United for Separation of Church & State, Inc.*, 454 U.S. 464, 486 (1982)). Both before and after *Alliance*, that confers standing. Indeed, federal courts post-*Alliance* have consistently found that voter outreach organizations have standing when a voting restrictions renders their core services more onerous and less effective. *See, e.g., Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 1:24-CV-1867, 2025 WL 2712209, at *8 (N.D.

Ill. Sep. 23, 2025) (finding standing where voter outreach organization alleged it was “not able to contact as many voters as they could” if not for the State’s actions); *see also Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 396–97 (4th Cir. 2024) (similar); *Nairne v. Landry*, 151 F.4th 666, 682 (5th Cir. 2025) (similar).

Because organizational Plaintiffs’ associational and organizational injuries arise from a statewide rule and affect statewide work, complete relief must be statewide too. *See Reps. Comm. for Freedom of the Press v. Rokita*, 147 F.4th 720, 733 (7th Cir. 2025) (“[A]n injunction requiring the defendant to cease the offending activity entirely may be the only way to provide complete relief to the plaintiff.”). Anything less would not redress Women4Change’s injuries to members throughout Indiana and would leave both organizational Plaintiffs’ statewide voter-registration, turnout, and election-protection programs impaired.

At minimum, if this Court concludes that the district court should address organizational or associational standing expressly in the first instance, the proper remedy is a limited remand for that purpose.

IV. The remaining preliminary injunction factors favor relief.

Appellants' discussion of the remaining preliminary injunction factors ignores the relevant standards of review. The district court's factual findings are reviewed for clear error, and its weighing of the equities and the public interest may be reversed only for abuse of discretion. *Rhoades*, 825 F.3d at 335. Appellants cannot satisfy that standard.

A. *Purcell* does not bar relief.

This Court stayed the district court's preliminary injunction because "voting in the [2026 primary] election ha[d] already begun," and the injunction "alter[ed] who can cast a ballot in th[e] election." *Count US IN*, Opinion at 4. That concern is no longer present. Reinstating the injunction would not impose "midstream relief"; it could still take effect before both the November 2026 general election and its October early voting period. *Id.*

Appellants nonetheless claim that "[t]iming-related concerns do not fall away now that the primary is over." Appellants' Br. 49. But they never explain how reinstating the prior rule before voting begins would create a *Purcell* problem. The district court found, based on Appellants'

own evidence, that an injunction would require only “the addition of a single sentence” in Indiana’s “Election Administrator’s Manual” and training materials, and would simply restore Indiana’s nearly two-decade practice of accepting qualifying student IDs. Order at 13. On that record, the court correctly found little threat of the “complexity that *Purcell* seeks to avoid.” *Id.*

The circumstance that justified this Court’s stay—that voting was already underway—no longer applies. And as the Supreme Court recently clarified, *Purcell* does not require courts to perpetuate likely unconstitutional rules where the merits are clear, even when an election is underway. *See Callais v. Louisiana*, 146 S. Ct. 1111, 1112 (2026) (Alito, J., concurring); *see also Merrill v. Milligan*, 142 S. Ct. 879, 881 (2022) (Kavanaugh, J., concurring).

B. Plaintiffs have shown irreparable harm.

Plaintiffs have shown irreparable harm. Absent an injunction, Mr. Montagne and Women4Change’s student members will be unable to vote or will face unconstitutional burdens in doing so. *See supra* at § IIIB.¹³

¹³ Appellants respond that Mr. Montagne is not injured because it is *possible* for him to obtain a qualifying ID. Appellants’ Br. 46. Mr.

These injuries cannot be redressed later: there is “no do-over” after an election. *League of Women Voters of N.C.*, 769 F.3d at 247. Count US IN and Women4Change’s organizational injuries are irreparable too: lost opportunities to register, educate, and assist voters before an election cannot be recovered. *Ind. NAACP*, 326 F. Supp. 3d at 662 (quoting *Project Vote, Inc. v. Kemp*, 208 F. Supp. 3d 1320, 1350 (N.D. Ga. 2016)); *id.* at 662–63 (collecting cases).

Appellants’ delay argument fails for the same reason it failed below. Plaintiffs “filed th[e] suit weeks after SB 10 was enacted,” used discovery to “gather the evidence necessary to support their motion for preliminary injunction,” and did not “delay filing th[eir] motion for preliminary injunction.” Order at 14. Appellants identify no reason to conclude that finding was clear error or that the court misapplied the law to those facts.

Montagne disagrees. Defs. Ex. 12 at 77:18–24. In any event, even a surmountable burden on his right to vote is a constitutional injury—one that is irreparable harm as a matter of law. *See Ind. State Conf. of the NAACP v. Lawson*, 326 F. Supp. 3d 646, 663 (S.D. Ind. 2018) (“A violation of the right to vote is presumptively an irreparable harm.”), *aff’d sub nom. Common Cause Ind. v. Lawson*, 937 F.3d 944 (2019).

C. The district court properly weighed the equities and the public interest.

The equities and public interest favor relief. The public has a strong interest in protecting the right to vote and enjoining laws that are “probably unconstitutional.” Order at 33 (quoting *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 589–90 (7th Cir. 2012)). Appellants’ argument otherwise is premised on their claim that allowing student ID causes confusion. Appellants’ Br. 47. But the district court found that theory unsupported, and Appellants have not shown that finding was clear error. *See supra* at § IIB.

Appellants’ “uneven rules” argument also fails. Appellants’ Br. 47–48. The Secretary of State is Indiana’s chief elections officer, Ind. Code §§ 3-6-3.7-2(5), 3-6-4.2-2, and Appellants can provide uniform guidance—just as the Election Division did when the injunction was previously in effect. Appellants identify no evidence any county failed to comply. If Appellants declined to provide such guidance in the future, any confusion that results would be “self-inflicted,” and cannot tip the equities in their favor. *In re Outboard Marine Corp.*, 386 F.3d 824, 828 (7th Cir. 2004).

Nor would an injunction “favor one group” of voters “at the expense of every other voter.” Appellants’ Br. 48. Reinstating the injunction would

allow eligible voters to use student IDs that otherwise satisfy Indiana's neutral voter-ID criteria—making voting easier for some Hoosiers without making it harder for anybody else. *Cf. Tully v. Okeson*, 78 F.4th 377, 387 (7th Cir. 2023).

Finally, Indiana suffers no cognizable harm from being barred from enforcing an unconstitutional statute. *Joelner v. Vill. of Wash. Park*, 378 F.3d 613, 620 (7th Cir. 2004).

CONCLUSION

For the foregoing reasons, this Court should affirm the district court's preliminary injunction.

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CERTIFICATE OF COMPLIANCE WITH FED. R. APP. P. 32

This brief complies with the word limit of Fed. R. App. P. 32(a)(7)(B) because, excluding the parts exempted by Fed. R. App. P. 32(f), it contains 12,910 words. This brief also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared in a proportionally spaced 14-point serif font (Century Schoolbook) using Microsoft Word.

Dated: July 15, 2026

/s/ Aria C. Branch
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CERTIFICATE OF SERVICE

I, Aria C. Branch, an attorney, hereby certify that on July 15, 2026, I caused the above response to be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Seventh Circuit by using the Court's CM/ECF system.

/s/ Aria C. Branch
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