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Wyoming Secretary of State Chuck Gray

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING

EQUALITY STATE POLICY CENTER,	)	
	)	
Plaintiff,	)	
v.	)	Case No.: 25-cv-000117-SWS
	)	
CHUCK GRAY, in his official capacity as Wyoming Secretary of State, *et al*.,	)	
	)	
Defendants.	)	

MEMORANDUM IN SUPPORT OF DEFENDANT CHUCK GRAY'S MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)

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INTRODUCTION

Plaintiff brings this suit seeking the extraordinary relief of a declaration and an injunction to stay the enforcement of Wyoming House Bill 156 ("HB 156"), a duly enacted election law that would require Wyoming residents to provide Proof of United States Citizenship ("DPOC") when registering to vote.

Although Plaintiff has not squarely asserted its basis for standing, it is evident from Plaintiff's papers that it asserts standing on two theories. First, Plaintiff asserts that it has been injured by having to divert resources away from certain programs and towards updating its voter education materials and answering questions from its members in response to HB 156. Second, Plaintiff asserts that its members have been injured because *their* members are unlikely to possess DPOC and, therefore, will be unable to register to vote once HB 156 goes into effect.

Plaintiff does not have standing for three reasons. First, the Supreme Court has squarely rejected Plaintiff's asserted injuries as an inadequate basis for standing. Second, Plaintiff has failed to identify any members who will be injured by HB 156, or any members of Plaintiff's members who will sustain injury. Third, to the extent Plaintiff argues its members' members will face injury, such injuries are speculative, at best, and, thus, cannot serve as a basis for Plaintiff's standing. Because Plaintiff has failed to allege facts sufficient for standing, this Court lacks subject matter jurisdiction, and Plaintiff's Complaint must be dismissed.

FACTUAL BACKGROUND

In early 2025, recognizing vulnerabilities within Wyoming's voter registration and election procedures—specifically, the potential for non-U.S. Citizens to register and vote—the Wyoming legislature acted to close these loopholes by passing two interrelated pieces of legislation: HB 156 and Senate File 33 ("SF 33"). SF 33 was signed into law by Governor Mark Gordon on February 28, 2025, while HB 156 became law without the Governor's signature on March 21, 2025.

Previously, Wyoming law permitted individuals to register and vote on Election Day without immediate verification of their citizenship status. Only five of Wyoming's twenty-three counties had real-time access to the Statewide Voter Registration System (WyoReg) on election day, limiting their ability to verify voter eligibility immediately during same-day voter registration. Consequently, non-U.S. Citizens could register and vote without detection, and once their illegal ballots were cast, Wyoming election officials would be unable to remove them from final vote counts.

Together, HB 156 and SF 33 work to eliminate this weakness from Wyoming's election procedures. SF 33 requires the text "Not U.S. Citizen" to appear conspicuously on the identification of any individual who fails to demonstrate his or her citizenship when applying for a Wyoming driver's license or identification card. HB 156 then complements this by requiring voters to present one of several permissible forms of documentation when registering to vote, including a Wyoming driver's license and several other forms of proof previously considered acceptable under Wyoming law. SF 33 will first apply to licenses issued after January 1, 2026, and the first statewide elections HB 156 will impact are Wyoming's 2026 primary elections.

Through HB 156 and SF 33, Wyoming has proactively acknowledged the susceptibility of its electoral systems to voter fraud and mitigated the possibility of such fraud occurring. HB 156 helps ensure that only eligible voters will be able to vote, thus increasing faith and confidence in the integrity of Wyoming's elections.

LEGAL STANDARD

The Constitution allows federal courts to adjudicate only genuine cases and controversies, which requires litigants to have standing. U.S. Const. art. III, § 2, cl. 1; *California v. Texas*, 593 U.S. 659 (2021); *Valley Forge Christian Coll. v. Ams. United for Separation of Church and State, Inc.*, 454 U.S. 464, 471 (1982); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 559–61 (1992); *United*

States v. Texas, 599 U.S. 670 (2023). "Because questions of standing . . . concern this Court's subject matter jurisdiction under the case or controversy clause of Article III, such issues are properly raised in a motion to dismiss pursuant to Fed.R.Civ.P. 12(b)(1)." *Kegler v. DOJ*, 436 F. Supp. 2d 1204, 1207 (D. Wyo. 2006) (citing *Mexicans for Bill Richardson v. Gonzales*, 64 F.3d 1495, 1498–99 (10th Cir. 1995)).

"It is the burden of the complainant to allege facts demonstrating the appropriateness of invoking judicial resolution of the dispute." *New Mexicans for Bill Richardson*, 64 F.3d at 1499. "It is a long-settled principle that standing cannot be 'inferred argumentatively from averments in the pleadings,' *Grace v. American Central Ins. Co.*, 109 U.S. 278 [] (1883), but rather 'must affirmatively appear in the record.' *Mansfield C. & L.M.R. Co. v. Swan*, 111 U.S. 379, 382 [] (1884)." *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 231 (1990).

To establish standing under Article III, "a plaintiff must demonstrate (i) that [it] has suffered or likely will suffer an injury in fact, (ii) that the injury likely was caused or will be caused by the defendant, and (iii) that the injury likely would be redressed by the requested judicial relief." *FDA v. All. for Hippocratic Med.*, 602 U.S. 367, 380 (2024) ("*Alliance*") (citing *Summers v. Earth Island Inst.*, 555 U.S. 488, 493 (2009), and *Lujan*, 504 U.S. at 560–61).

The foregoing elements constitute "the irreducible constitutional minimum of standing." *Lujan*, 504 U.S. at 560. Thus, a plaintiff invoking federal jurisdiction must explain how each element "essential to standing" is met." *See Virginia House of Delegates v. Bethune-Hill*, 587 U.S. 658, 663 (2019); *Downer v. Bureau of Land Mgmt.*, No. 20-CV-191-SWS, 2021 WL 7210048, at *2 (D. Wyo. Mar. 21, 2021) ("The elements of standing 'are not mere pleading requirements but rather an indispensable part of the plaintiff's case.'" (quoting *Wyoming ex rel. Crank v. United States*, 539 F.3d 1236, 1241 (10th Cir. 2008))). Standing is determined when the legal action is

brought, and if a plaintiff does not establish standing, the case must be dismissed for lack of subject matter jurisdiction. Fed. R. Civ. P. 12(h)(3); *see Nova Health Systems v. Gandy*, 416 F.3d 1149, 1154–55 (10th Cir. 2005); *Schutz v. Thorne*, 415 F.3d 1128, 1133 (10th Cir. 2005).

ARGUMENT

Plaintiff's Complaint must be dismissed because Plaintiff does not satisfy the first element of standing. Plaintiff claims injuries on two distinct, but closely related, grounds. First, Plaintiff asserts standing to sue in its own right on the premise that the enforcement of HB 156 would "impede [Plaintiff's] core work of encouraging voters to register and participate in their democracy" by forcing Plaintiff "to redirect significant resources to increase its voter registration education efforts," (Compl. ¶ 23) and force it to "focus on translating and communicating the new rules and answering questions about them instead of working on tasks related to its core programming." (*Id.* ¶ 24; *accord* Mem. Supp. Pl.'s Mot. Prelim. Inj. 21 ("Pl.'s Mem.").) Second, Plaintiff—itself a coalition of other nonprofit organizations—asserts a theory of associational standing, arguing that it may stand in the shoes of its constituents' members, who themselves would be injured by HB 156's enforcement. (*See* Compl. ¶¶ 18, 21; Pl.'s Mem. 22–23.) These alleged injuries are insufficient to satisfy the first element of this Court's standing analysis.

I. Plaintiff's alleged direct injuries are insufficient as a matter of binding precedent.

A plaintiff's alleged injury must be an "injury in fact." *Alliance*, 602 U.S. at 381. "Plaintiffs suffer an injury in fact where they have endured 'an invasion of a legally protected interest which is (a) concrete and particularized, . . . and (b) actual or imminent, not conjectural or hypothetical.'" *Pacific Frontier v. Pleasant Grove City*, 414 F.3d 1221, 1229 (10th Cir. 2005) (quoting *Lujan*, 504 U.S. at 560–61). A "concrete" injury is "real and not abstract[;]" a "particularized" injury "affect[s] the plaintiff in a personal and individual way," as opposed to a "generalized grievance." *Alliance*, 602 U.S. at 381 (citing *TransUnion LLC v. Ramirez*, 594 U.S. 413, 424 (2021), and *Lujan*, 504

U.S. at 560 n.1). "Moreover, the injury must be actual or imminent, not speculative." *Id.* (citing *Clapper v. Amnesty Int'l USA*, 568 U.S. 398, 409 (2013)). Plaintiff's alleged injuries fail to satisfy either element necessary for an Article III injury.

A. Plaintiff has not alleged a concrete and particularized injury.

The Supreme Court in *Alliance* squarely rejected Plaintiff's claimed injury—that the law will require it to increase its educational efforts. In that case, the Supreme Court held that an association of nonprofit organizations lacked standing, rejecting the same claimed basis for standing asserted by the Plaintiff—that is, a claimed injury comprising the diversion of resources to do extra work to inform members and the public about the government action they were challenging. 602 U.S. at 395–96. Specifically, the *Alliance* plaintiffs were an association of four pro-life advocacy organizations that alleged that the FDA's approval of mifepristone and subsequent regulatory actions relating to the drug injured the plaintiffs by, *inter alia*, causing them "to conduct their own studies on mifepristone so that the [plaintiffs] can better *inform their members and the public* about mifepristone's risks." 603 U.S. at 394 (emphasis added). The Court rejected this theory, determining that the "FDA's actions relaxing regulation of mifepristone" had not imposed an "impediment to the medical associations' advocacy businesses." *Id.* at 395. The Court explained that the plaintiffs' theory must be rejected because it "would mean that all the organizations in America would have standing to challenge almost every federal [or in this case, state] policy they dislike, provided they spend a single dollar opposing those policies." *Id.*; *see also Plant Based Foods Ass'n v. Stitt*, 739 F. Supp. 3d 966, 976 (W.D. Okla. 2024) (same). In short, increased educational efforts or advocacy efforts are not a concrete, particularized injury that establishes standing.

In *Alliance*, the Court carefully distinguished educational/advocacy claims from the type of injury articulated by the plaintiffs in *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982).

In *Havens,* the court allowed standing based on the limited proposition that an organizational plaintiff is injured when a defendant's alleged acts "directly affect[] and *interfere[] with*" a plaintiff's "core business activities[.]" *Alliance*, 602 U.S. at 395 (emphasis added). In that case, an organizational plaintiff suffered an Article III injury when a defendant's misrepresentations to the plaintiff caused the plaintiff to expend its resources in a specific manner based on false information. *Id.*; *Havens*, 455 U.S. at 379. That is, the plaintiff's standing in *Havens* was rooted in the fact that the defendant's actions had directly impeded the plaintiff's business operations by frustrating its ability to engage in housing services. *See Alliance*, 602 U.S. at 395.

But *Havens* does not support the contention that an organization is injured for the purposes of Article III when a change in government policy merely "causes" the organization to do what the organization has set out to do. As the U.S. Supreme Court has said, "*Havens* was an unusual case, and this Court has been careful not to extend the *Havens* holding beyond its context." *Id.* at 396. Lower courts have agreed. Since the Court's opinion in *Alliance*, at least two U.S. District Courts in the Tenth Circuit have recognized the limited applicability of *Havens*. *See Citizens Project v. City of Colo. Springs*, No. 1:22-cv-01365-SKC-MDB, 2024 WL 3345229, at *4–5 (D. Colo. July 9, 2024) (rejecting standing where "Plaintiffs ha[d] *already* been using their respective resources on voter education programs and initiatives to educate Black, Hispanic, and other voters" (emphasis in original)); *see also Plant Based Foods Ass'n,* 739 F. Supp. 3d at 975–76 (rejecting a "frustration of mission" standing argument in reliance on *Havens* because the Supreme Court "has been careful not to extend the *Havens* holding beyond its context" and because the plaintiff did not "present[] evidence of the kind of injury that the *Havens* plaintiff incurred," that is, "that defendants' actions 'directly affected and interfered with [its] core business activities[.]'" (quoting *Alliance*, 602 U.S. at 370, 395)).

Plaintiff bases its standing to challenge HB 156 on its belief that HB 156's Documentary Proof of Citizenship ("DPOC") requirements will "force" it to expend resources toward translating voter materials into Spanish, (Pl.'s Mem., Ex. 20 ¶ 18), and "spend significant time and resources . . . to reach new audiences." (*Id.* at ¶ 15.) To demonstrate this point, Plaintiff asserts that its "member organizations have . . . already turned to [Plaintiff] for information about how the law will impact their own membership and the constituencies they serve." (Compl. ¶ 21.) But by its own admission, Plaintiff is an organization that "regularly conducts voter outreach and mobilization programs, including through tabling, webinars, training coalition partners, direct voter education, and creating and distributing educational materials on how to register and vote." (*Id.* ¶ 19.) Plaintiff cannot claim that HB 156 *impedes* its core activities by requiring Plaintiff to *continue* engaging in educational services it routinely offers. *See Citizens Project*, 2024 WL 3345229, at *4–5. Such an expansive view of standing is plainly absurd and should not be endorsed by this Court. *See Fair Elections Ohio v. Husted*, 770 F.3d 456, 460 (6th Cir. 2014) (The limit on Article III standing "would be eviscerated if an advisor or organization can be deemed to have Article III standing merely by virtue of its efforts and expense to advise others how to comport with the law . . . ."). The mere fact that Plaintiff must learn the new requirements of HB 156 and educate the public about them while helping the public register—even if at some additional marginal cost—is not a concrete and particularized injury.

Additionally, to the extent that Plaintiff bases its standing on the notion that the DPOC requirements imposed by HB 156 interfere with Plaintiff's broad interest in "promoting fair elections and transparent government," Compl. ¶ 18, the U.S. Supreme Court has long been clear that "an organization's abstract concern with a subject that could be affected by an adjudication does not substitute for the concrete injury required by Art. III." *Simon v. Eastern Ky. Welfare Rts.*

Org., 426 U.S. 26, 40 (1976) (citing *Sierra Club v. Morton*, 405 U.S. 727 (1972), and *Warth v. Seldin*, 422 U.S. 490 (1975)).

Therefore, Plaintiff has failed to demonstrate a concrete and particularized injury.

B. Plaintiff has not alleged an imminent injury.

As a threshold matter, HB 156 will not go into effect until July 1, 2025, and it will not affect any statewide elections for approximately one more year. (Pl.'s Mem, Ex. 5.) Any injury Plaintiff alleges must necessarily be actual or imminent, and the Plaintiff has not alleged any actual injuries. Although imminence is a "somewhat elastic concept, it cannot be stretched beyond its purpose, which is to ensure that the alleged injury is not too speculative for Article III purposes—that the injury is certainly impending." *Clapper*, 568 U.S. at 409. The U.S. Supreme Court has "repeatedly reiterated" that "'[a]llegations of *possible* future injury are not sufficient'" to demonstrate an Article III injury. *Id.* (alteration and emphasis in original) (quoting *Whitmore v. Arkansas*, 495 U.S. 149, 158 (1990)). Accordingly, courts will not recognize a plaintiff's alleged injury as "actual or imminent" when the plaintiff's theory "rests on a speculative chain of possibilities" because such a theory "does not satisfy the requirement that the threatened injury must be certainly impending." *Id.* at 410; (citing *Summers*, 555 U.S. at 496).

Plaintiff's alleged injury is precisely the sort that the U.S. Supreme Court rejected in *Clapper*. Plaintiff asserts that its "current resources are likely not enough to do what is necessary to protect [Plaintiff's] mission and do the outreach necessary to reach [Plaintiff's] members as well as the general Wyoming public who stand to be affected by HB 156." (Pl's Mem., Ex. 20 ¶ 13.) In a similar vein, Plaintiff offers only a self-serving *ipse dixit* allegation that it "will need to embark on an aggressive general public education and awareness campaign" to continue advancing its broader mission. (*Id.* at ¶ 15.) Plaintiff's view that its current resources are "likely" insufficient

and that it "will need" to embark on a public education campaign demonstrate the inherently speculative and subjective nature of the harms Plaintiff alleges.

Moreover, these alleged injuries "rest[] on a speculative chain of possibilities," as Plaintiff assumes that it will be *required* to raise additional funds and become engaged in broader educational campaigns because voters must rely on its services. (Pl's Mem., Ex. 20 ¶¶ 13, 15.) On the contrary, voters may very well choose to rely on state-provided information, as the State of Wyoming regularly disseminates current information regarding the methods of and requirements for registering to vote, *see Registering to Vote in Wyoming*, Wyoming Secretary of State (last accessed June 9, 2025), https://sos.wyo.gov/elections/state/registeringtovote.aspx. Plaintiff may also soon realize its existing budget is adequate, or that it has no difficulty raising additional funds. Plaintiff has, therefore, failed to demonstrate an injury that is "certainly impending." *See Clapper*, 568 U.S. at 410.

Even more fundamentally, HB 156 does "not become effective until July 1, 2025," and "it would first apply statewide to the 2026 primary election, over a year from then." (Pl.'s Mem., Ex. 5.) Assuming, *arguendo*, that the harms Plaintiff alleges will befall Wyoming voters do indeed materialize, they will not do so statewide until the 2026 primaries, at the earliest. (*Id.*) And because the implementation of HB 156 is wholly subject to regulations not yet promulgated by the Wyoming Secretary of State, HB 156 § 2, such harms will be avoided entirely if the Secretary fails to promulgate necessary regulations, or if it promulgates regulations that obviate Plaintiff's claims of injury. Any decisions made by Plaintiff at the present moment are based on speculation and conjecture about decisions third parties *may or may not* make in the future, in response to regulations that have not yet been enacted. This "speculative chain of possibilities" is plainly insufficient to demonstrate an imminent injury. *See Clapper*, 568 U.S. at 409-10.

* * * *

Plaintiff's alleged harms do not support recognizing Plaintiff's standing to challenge HB 156. Plaintiff has failed to show how continuing to engage in services it already provides bears any resemblance to the narrow grounds for organizational standing recognized in *Havens*. And Plaintiff has not demonstrated that the harms it anticipates are "certainly impending." Therefore, Plaintiff has failed to demonstrate an Article III injury sufficient for direct standing.

II. Plaintiff does not allege injuries sufficient for it to sue on behalf of its members.

Plaintiff, which describes itself as "a nonprofit organization currently comprised of a coalition of about twenty social justice, conservation, and labor organizations in Wyoming," (Compl. ¶ 18), bases its standing, in part, on the alleged or speculative injuries of unidentified persons served by organizations that comprise the coalition that is Plaintiff's organization. This vague and attenuated claim to standing is insufficient.

An organization may represent its members' interests provided it can establish that: "(a) its members would otherwise have standing to sue in their own right; (b) the interests it seeks to protect are germane to the organization's purpose; and (c) neither the claim asserted nor the relief requested requires the participation of individual members in the lawsuit." *Hunt v. Washington State Apple Advert. Comm'n*, 432 U.S. 333, 343 (1977); *Am. Forest & Paper Ass'n v. EPA*, 154 F.3d 1155, 1158–59 (10th Cir. 1998). To satisfy the first prong of the associational standing analysis, a plaintiff-organization suing on behalf of its members must "make specific factual allegations establishing that at least one *identified* member has suffered or would suffer harm" sufficient to confer standing on that member. *See Summers*, 555 U.S. at 498 (emphasis added). A plaintiff-organization may do so by submitting "'affidavits . . . showing, through specific facts . . . that one or more of [its] members would . . . be 'directly' affected' by the allegedly illegal

activity." *Id.* (quoting *Lujan*, 504 U.S. at 563) (alterations and omissions in the original). Here, Plaintiff has failed to do so.

A. Plaintiff has failed to identify a member who will be injured by the enforcement of HB 156.

Plaintiff does not identify *any* injured members in its Complaint or its pending Motion for Preliminary Injunction. In its Complaint, Plaintiff vaguely alleges that it has "member organizations [that] serve the public interest on a broad range of issues including labor, conversation, and other social justice issues." (Compl. ¶ 21.) Plaintiff goes on to state that "[m]any of these organizations have their own members—including laborers, women who are victims of domestic violence, and others—who will be burdened by the law," but Plaintiff does not identify a single specific member of these organizations, or identify how those specific members will be "burdened," as Plaintiff claims. (*Id.*) In its Motion, Plaintiff's assertions are similarly vague. (Pl.'s Mem. 22–23.) These types of vague allegations concerning harm suffered by a plaintiff-organization's members are insufficient to confer associational standing under *Summers*. *See* 555 U.S. at 498; *accord Lujan*, 504 U.S. at 555; *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 235 (1990); *Warth*, 422 U.S. at 516 ("In short, insofar as the complaint seeks prospective relief, [Petitioner] has failed to show the existence of any injury to its members of sufficient immediacy and ripeness to warrant judicial intervention."); *Anderson v. City of Alpharetta*, 770 F.2d 1575, 1582–83 (11th Cir. 1985) (per curiam); *Nat'l All. for the Mentally Ill, St. Johns Inc. v. Bd. of Cnty. Comm'rs of St. John's Cnty.*, 376 F.3d 1292, 1296 (11th Cir. 2004).

B. Plaintiff's affidavits are insufficient to supplement Plaintiff's failure to identify injured individuals.

Instead of identifying these members in its Complaint or Motion for Preliminary Injunction, Plaintiff relies on affidavits offered by individuals to support its claims that HB 156 will injure eligible Wyoming voters. In its Motion, Plaintiff offers the affidavit of Jennifer DeSarro,

Plaintiff's Executive Director, but Ms. DeSarro's affidavit offers only vague assertions about the harm that might befall unidentified members of Plaintiff's constituents. (Pl.'s Mem., Ex. 20 ¶¶ 11–12.) Plaintiff also offers the affidavits of Lisa Teague, a social worker and Senior Caseworker at the Cooperative Ministry for Emergency Assistance ("COMEA"), (Pl.'s Mem., Ex. 14), and Kristen-Erin Balderaz, the Executive Director of Needs, Inc., (Pl.'s Mem., Ex. 37). But nowhere in Ms. Teague's or Ms. Balderaz's affidavits is it asserted that COMEA or Needs, Inc. is one of Plaintiff's member organizations, or that either organization has members specifically injured. (*See* Pl.'s Mem, Ex. 14; *id.*, Ex. 37.)

Indeed, out of all of the affidavits submitted by Plaintiff, only one is conceivably relevant: that of Linda Hawkins. (Pl.'s Mem., Ex. 13.) Ms. Hawkins claims to be the Executive Director of one of Plaintiff's member organizations. (*Id.*) In her affidavit, Ms. Hawkins declares that her organization's constituents "will be directly injured by HB 156, because it will impede and in some cases prevent survivors of domestic violence and sexual assault from being able to register to vote." (*Id.* at ¶ 5.) This is a conclusory allegation that is insufficient to support a finding of actual injury. *Cf. Wardell v. Duncan*, 470 F.3d 954, 959 (10th Cir. 2006); *Costco v. Uphoff*¸ 195 F.3d 1221, 1224 (10th Cir. 1999). In any event, to meet the standard articulated in *Hunt*, Ms. Hawkins' organization would have to have standing to sue on behalf of *its* members, 432 U.S. at 343, which it does not. Furthermore, Ms. Hawkins provides no evidence that voter registration is germane to her organization sufficient to confer standing on her organization.

As the U.S. Supreme Court made clear in *Summers*, associational standing may only be found where a plaintiff-association has specifically identified which of its members will be harmed, typically through the use of affidavits submitted by such members. *Summers*, 555 U.S. at 498. Ms. Hawkins has failed to allege that even one of her organization's members will be injured.

(*See* Pl.'s Mem., Ex. 13.) Instead, she has made only the broad, conclusory, and largely unsubstantiated allegation that "thousands of Wyomingites who are survivors of domestic violence, sexual assault, and stalking . . . will have difficulties providing an acceptable form of documentary proof of citizenship under HB 156." (*Id.* at ¶ 6.) Ms. Hawkins arrives at this conclusion by suggesting that "[a]lmost all survivors [of domestic abuse] arriving at an emergency shelter come without identification or other documents like birth certificates. When an individual leaves an abusive situation, they often leave very abruptly" and "may walk out the door with nothing." (*Id.* at ¶ 7.) But Ms. Hawkins' speculation about the impact on voter registration is easily refuted. Such individuals are *already* required to provide documents to register to vote, *see* Def. Gray's Opp'n Pl.'s Mot. Prelim. Inj. 11–12, and would be able to acquire DPOC in Wyoming readily, should they so choose. The Wyoming Department of Transportation ("WYDOT") works closely with all domestic violence shelters to assist the members of these communities with quickly acquiring new DPOC, should such services be needed. (*Id.*, Ex. 2 ¶ 19.) For example, when a domestic violence survivor escapes to the State of Wyoming, WYDOT "can work with other state's DMVs to obtain a copy of the documents that [the survivor] used to obtain a driver license or identification card in that state." (*Id.* at ¶ 20.) "If the documentation is available, all documents, such as marriage licenses and birth certificates, may quickly be electronically transferred to WYDOT for the prompt issuance of a new driver license or identification card." (*Id.*) Therefore, it is highly unlikely that such individuals would be injured by the DPOC requirements of HB 156.

Moreover, Ms. Hawkins makes the illogical leap that her organization will be injured because her organization serves survivors of domestic violence (who Ms. Hawkins has not even identified as members of her organization). (Pl.'s Mem, Ex. 13 ¶ 4-6.) This is patently at odds with the specificity required to demonstrate associational standing. *See Summers*, 555 U.S. at 498;

Lujan, 504 U.S. at 555; *FW/PBS, Inc.*, 493 U.S. at 235; *Warth*, 422 U.S. at 516; *Anderson*, 770 F.2d at 1582–83; *Nat'l All. for the Mentally Ill, St. Johns Inc*, 376 F.3d at 1296. To be sure, Ms. Hawkins' organization advocates for domestic violence and sexual abuse victims. But she fails to assert that these survivors possess sufficient "indicia of membership" to be considered true "members" of her organization for the purpose of associational standing. *See Hunt*, 432 U.S. at 344–45 (explaining that an organization may establish associational standing if its "members" "possess all of the indicia of membership," such as conducting elections, serving on a commission, or financing the organization's activities).

Because Ms. Hawkins has failed to identify a single member of her organization who will be injured by HB 156's enforcement, and because her speculative harm is directly refuted by Wyoming's policies and procedures that support victims of violence and abuse, Ms. Hawkins' organization does not have standing to challenge HB 156. *See Summers*, 555 U.S. at 498.

Despite Plaintiff's claims of widespread harm, it has only identified *one* member organization that claims harm to its members—Ms. Hawkins' organization. But this *sole* member has failed to meet the requirements described in *Hunt* as to its own associational standing. *Hunt*, 432 U.S. at 343; *Summers*, 555 U.S. at 498. Therefore, Plaintiff cannot claim associational standing to challenge HB 156.

* * * *

Plaintiff has failed to allege an injury or imminent injury sufficient for standing under Article III. Therefore, Plaintiff's Complaint must be dismissed.

CONCLUSION

For the foregoing reasons, this Court should dismiss Plaintiff's Complaint pursuant to Fed. R. Civ. P. 12(b)(1).

DATED this 27th day of June, 2025.

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CERTIFICATE OF COMPLIANCE

This brief complies with Wyoming Local Civil Rule 7.1(b)(2)(B) because it contains fewer than 25 pages, not including the cover page, table of contents, table of authorities, signature block, certificate of service, and this certificate.

DATED this 27th day of June, 2025.

By: */s Michael A. Columbo*

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CERTIFICATE OF SERVICE

I hereby certify that on the 27th day of June 2025, a true and correct copy of the foregoing **MEMORANDUM IN SUPPORT OF DEFENDANT CHUCK GRAY'S MOTION TO DISMISS PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 12(b)(1)** was served by CM/ECF e-service to all counsel of record. Those parties who have not yet appeared will be served via email.

By: */s Michael A. Columbo*
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