

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

LEAGUE OF WOMEN VOTERS OF
INDIANA; COMMON CAUSE
INDIANA; HOOSIER ASIAN
AMERICAN POWER; and EXODUS
REFUGEE IMMIGRATION,

Plaintiffs,

v.

DIEGO MORALES, in his official
capacity as Secretary of State for Indiana;
J. BRADLEY KING, in his official
capacity as Co-Director of the Indiana
Election Division; and ANGELA M.
NUSSMEYER, in her official capacity as
Co-Director of the Indiana Election
Division,

Defendants.

Civil Action No. 1:25-cv-02150-MPB-MJD

PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs League of Women Voters of Indiana, Common Cause Indiana, Hoosier Asian American Power, and Exodus Refugee Immigration (collectively, "Plaintiffs") respectfully move this Court for a preliminary injunction barring Defendants Diego Morales, J. Bradley King, and Angela M. Nussmeyer, as well as their officers, agents, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of the Order, from implementing or enforcing Indiana Code § 3-7-38.2-7.3 (the "Current-Voter Citizenship Crosscheck Requirement") and Indiana Code § 3-7-26.3-37 (the "New-Registrant Citizenship Crosscheck Requirement") (collectively, the "Challenged DPOC Provisions"), as well as other relief set forth below.

The Challenged DPOC Provisions require the Indiana Election Division to cross-reference Indiana's statewide voter registration database with the Bureau of Motor Vehicles' database of

individuals with temporary credentials, leading to the flagging of naturalized and derived U.S. citizens as presumptive noncitizens and requiring them to produce documentary proof of citizenship (“DPOC”) to register or remain registered to vote—a discriminatory burden that no U.S.-born citizen will ever be required to bear. Since the Challenged DPOC Provisions went into effect on July 1, 2025, Indiana has flagged thousands of registrants as potential noncitizens—almost 1,000 of whom have already established they are citizens who were erroneously flagged—and has canceled or rejected more than 1,000 voter registrations simply because the registrant did not provide DPOC within the required deadline. Unless this Court issues preliminary injunctive relief, thousands of eligible Indiana voters will experience discriminatory treatment and face disenfranchisement in the November 3, 2026, general election.

The Challenged DPOC Provisions violate both the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20501–20511, and the Civil Rights Act of 1964 (“CRA”), 52 U.S.C. § 10101, by discriminating against naturalized and derived citizens and contravening the NVRA’s federal and state voter registration form requirements.

This Motion is based upon all the files, records, and proceedings herein, including the accompanying Memorandum of Law in Support of Plaintiffs’ Motion for a Preliminary Injunction and the Declaration of William R. Groth in Support of Plaintiffs’ Motion for a Preliminary Injunction and exhibits referenced therein, as well as any evidence that may be submitted at a hearing on this Motion.

Plaintiffs respectfully request that the Court enter a preliminary injunction ordering Defendants to:

- 1) Direct election officials to cease issuing any notices, including VRG-26 notices, pursuant to the Challenged DPOC Provisions;

- 2) Re-evaluate and accept and fully process any voter registration applications submitted on or after July 1, 2025, that were rejected due to applicants' not having provided DPOC within 30 days of receiving a notice, pursuant to the New-Registrant Citizenship Crosscheck Requirement;
- 3) Reinstate the voter registration of voters who were lawfully registered to vote before July 1, 2025, and had their registrations canceled due to their failure to comply with the Current-Voter Citizenship Crosscheck Requirement;
- 4) Send, within five days of the Court's Order, a remedial mailer to each registrant who received a notice pursuant to the Challenged DPOC Provisions, had their registration canceled or their application rejected due to not having provided DPOC, informing the registrant or voter of their current status;
- 5) Post, within five days of the Court's Order, template copies of the remedial mailer described in Paragraph 5, along with a copy of the Order, on the SOS and IED websites, and issue a press release in the customary manner of the SOS and IED announcing the Court's Order;
- 6) Make all reasonable and practicable efforts, immediately, to educate local officials, poll workers, and the general public of the requirements of the Court's Order, including, but not limited to, providing emergency guidance and training to local election officials, including poll worker training, and updating any and all public-facing information, guidance, election administrator's manual, voter registration guidebook, newsletters, FAQs, or similar, emphasizing the equal eligibility of all U.S. citizens to register to vote without providing DPOC; and

- 7) Submit, within five days of the Court's Order, a report detailing every voter who received a notice pursuant to the Challenged DPOC Provisions, had their application rejected due to not having provided DPOC, or was removed from the voter rolls due to the Challenged DPOC Provisions, including identifying information, to be kept confidential pursuant to the Protective Order.

This Motion is supported by the following exhibits, referenced in the Declaration of William R. Groth in Support of Plaintiffs' Motion for a Preliminary Injunction:

- 1) Exhibit 1: Data Sharing Agreement Between State Agencies (2025), Bates Number LWVI000288
- 2) Exhibit 2: Indiana Election Division, VRG-26 Proof of Citizenship Notice and Instructions (2025), Bates Number LWVI000440
- 3) Exhibit 3: Memorandum from Civix to SVRS Users, December 2025 Build, Part I - Citizenship (December 2025), Bates Number LWVI000280
- 4) Exhibit 4: Office of the Secretary of State - Indiana Election Division, Proof of Citizenship VRG 58.3 (2025), Bates Number LWVI000309
- 5) Exhibit 5: Email from Dustin Renner, Election Director, Secretary of State, to County Clerks, dated July 16, 2025, Bates Number LWVI000367
- 6) Exhibit 6: Declaration of Beatrix Hilde Shelby
- 7) Exhibit 7: Declaration of Luciana Indiana Lugado Victoriano
- 8) Exhibit 8: Declaration of Carola Susanne Clark
- 9) Exhibit 9: Declaration of Ariadna Rubi Tejeda Sánchez
- 10) Exhibit 10: Declaration of Dr. Michael P. McDonald and accompanying Expert Report of Dr. Michael P. McDonald

11) Exhibit 11: Email correspondence between Ryan Snow, Counsel at Lawyers' Committee for Civil Rights Under Law, and Defendants' counsel, as described in Exhibit 10 (unrelated content redacted)

WHEREFORE, Plaintiffs respectfully request that this Court grant the preliminary injunction requested herein and for all other just and appropriate relief.

/s/ William R. Groth

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CERTIFICATE OF SERVICE

I hereby certify that on May 8, 2026, a copy of the foregoing was filed electronically. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ William R. Groth
William R. Groth

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