UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

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

REPLY IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

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INTRODUCTION

This case is about whether Indiana can single out one form of ID held predominantly by the state's youngest voters and ban its use at the polls, even when it meets the requirements that apply to every other form of ID. It cannot. The evidence shows that the Student ID Ban targets students and its impact falls hardest on young voters. Its proponents in the Legislature supported it with implausible justifications—and openly questioned whether students should be voting in Indiana at all.

Defendants have little to say about any of that. Instead, they defend a hypothetical version of Senate Bill 10 that they say merely "clarif[ies]" that students are not entitled to a "special privilege." *See* Opp. at ii, 1, 5, 6, 23, 25, 26.[1] On Plaintiffs' First and Fourteenth Amendment claim, Defendants invite this Court to jettison the *Anderson-Burdick* framework and instead ask only whether the law makes voting physically *impossible*. And on the Twenty-Sixth Amendment claim, Defendants revive arguments this Court has already rejected—without engaging with the Court's reasoning or Plaintiffs' brief.

Defendants also leave Plaintiffs' evidence largely uncontested. Their three expert declarations have no bearing on the merits—each expert admitted at deposition that he did not assess the Ban's overall burden on students and youth, whether that burden was justified by legitimate state interests, or the Legislature's intent.[2] As for Defendants' five fact declarations,

[1] In this Reply, "Br." refers to Plaintiff's opening brief, Doc. 86. "Ex." refers to Plaintiffs' exhibits, which are numbered continuously from the opening brief—thus, any exhibit numbered after "101" is appended to this brief. "Opp." refers to Defendants' brief in opposition to Plaintiffs' motion, Doc. 91, and "Defs.' Ex." refers to exhibits appended thereto. "Order" refers to this Court's Order denying Defendants' Motion to Dismiss, Doc. 57.

[2] *See* Ex. 102 (Crane Dep.) at 71:7–74:24; Ex. 103 (Gimpel Dep.) at 174:1–176:8; Ex. 104 (Gaines Dep.) at 172:1–175:6. Plaintiffs will move to exclude opinions from all three of Defendants' purported experts at summary judgment, *see Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993), but address them now to allow for expeditious resolution of this Motion.

they offer nothing material—and are inadmissible in any event because the witnesses were never disclosed.[3]

Unable to defend the Ban on the merits, Defendants throw a series of new procedural arguments at the wall, hoping to avoid review or bar relief. Nothing sticks. All three Plaintiffs have standing; Defendants are not immune from suit; and Plaintiffs' claims are redressable against them. Nor does *Purcell* bar relief: Defendants' own evidence proves that an injunction would not be unduly burdensome, and the Director of Elections of Marion County confirms that it "could and would" implement an injunction in time for the 2026 primary—including for early voting.

Absent an injunction, thousands of students will arrive at the polls in May and be turned away. Some—including Plaintiff Josh Montagne and declarant Taylor Sand—will be unable to vote at all. The First, Fourteenth, and Twenty-Sixth Amendments exist to prevent that outcome. All four preliminary injunction factors favor relief. This Court should grant Plaintiffs' motion.

ARGUMENT

I. This Court has Article III jurisdiction.

A. All three Plaintiffs have standing.

1. Josh Montagne

Defendants do not dispute that Plaintiff Josh Montagne has standing. Opp. at 9–14. For good reason: the Ban prohibits the only form of voter ID he possesses. *See* Br. at 15. He has no Indiana driver's license, no passport, no ready access to his birth certificate or proof-of-residency

[3] *See* Defs.' Exs. 6 (Warnsman Decl.); 7 (Hettinger Decl.); 8 (Michalak Decl.); 10 (Bonnett Decl.); 21 (Washabaugh Decl.). The parties exchanged initial disclosures, but Defendants have never disclosed any of these witnesses to Plaintiffs, *see* Ex. 105 (Defendants' Initial Disclosures); *see also* Fed. R. Civ. P. 37(c); *Fincher v. S. Bend Hous. Auth.*, No. 3:07-CV-0308-PPS, 2008 WL 11452132, at *2 (N.D. Ind. Apr. 11, 2008) ("[A] party that fails to disclose or supplement information as required by Fed. R. Civ. P. 26(a)(1)(A) or 26(e)(1) is not allowed to use as evidence any witness or information not disclosed and the sanction of exclusion is automatic and mandatory.").

documents, and no car to get to the BMV. Ex. 7 (Montagne Decl.) ¶¶ 5–7; Defs.' Ex. 12 (Montagne Dep.) at 40:24–42:20, 47:11–50:3. Unless the Ban is enjoined, he will not be able to vote in the 2026 primary or general elections. Br. at 34. "A plaintiff who alleges that his right to vote has been burdened by state action has standing to [sue]." *Jud. Watch, Inc. v. King*, 993 F. Supp. 2d 919, 924 (S.D. Ind. 2012). Since "at least one plaintiff has standing," standing is no barrier to this Court's jurisdiction. *Ezell v. City of Chicago*, 651 F.3d 684, 696 n.7 (7th Cir. 2011).

2. Women4Change Indiana has associational standing.

Women4Change has associational standing. Its member Sajida Qaddoura—an Indiana University student and registered Indiana voter—wants to vote using her student ID, the form of identification she regularly carries. Defs.' Ex. 16 (Qaddoura Dep.) at 16:21–17:10; Ex. 97 (Qaddoura Decl.) ¶¶ 5, 7. The Ban prohibits her from doing so. That constitutional injury establishes standing. *See Gray v. Sanders*, 372 U.S. 368, 375 (1963).

Defendants resist this conclusion by ignoring settled law. They argue that Women4Change must identify a member who is "unable to vote" because of the Ban. Opp. at 14. That is not the test. Any person whose "right to vote has been burdened by state action has standing" to sue, regardless of whether they can find another way to vote. *Jud. Watch, Inc.*, 993 F. Supp. 2d at 924. Courts therefore consistently find that plaintiffs have standing to challenge voter ID requirements, even when they already 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); *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.").[4]

Against this wall of authority, Defendants cite a single case where the plaintiff complained that a blocked highway caused him to "miss[] an important work dinner and networking session." Opp. at 14 (citing *Manhart v. WESPAC Found., Inc.*, No. 24-CV-08209, 2025 WL 2257408, at *1, *12 (N.D. Ill. Aug. 7, 2025)). A burden on the right to vote is not a traffic delay. Because the Ban burdens at least one member's fundamental right to vote, Women4Change has standing to sue on its members' behalf. *See United Auto Workers v. Brock*, 477 U.S. 274, 282 (1986).

3. Count US IN and Women4Change have organizational standing.

Defendants' attack on organizational standing applies the wrong law to a selective retelling of Plaintiffs' evidence. The Supreme Court's decision in *Food and Drug Administration v. Alliance for Hippocratic Medicine* clarified the test for organizational standing, but not as expansively as Defendants claim—and not in a way that impacts Plaintiffs' standing here. *See* 602 U.S. 367 (2024). As the concurring opinion in *Wisconsin Voter Alliance* explains, *Alliance* clarified that costs incurred through "advocacy against government action" or spending on public education about the "risks of a challenged government action" cannot confer standing. *Wis. Voter All. v. Millis*, 166 F.4th 627, 640 (7th Cir. 2026) (Brennan, C.J., concurring) (citation modified).

At the same time, *Alliance* reaffirmed that an organization *can* challenge an action that "directly affect[s] and interfere[s] with [its] core business activities." 602 U.S. at 395 (citing *Havens Realty Corp. v. Coleman*, 455 U.S. 363, 379 (1982)); *accord Wis. Voter All.*, 166 F.4th at 640 (Brennan, C.J., concurring). Applying that principle, federal courts since *Alliance* have

[4] *See also Ne. Ohio Coal. for the Homeless v. Brunner*, 652 F. Supp. 2d 871, 880 (S.D. Ohio 2009), *modified on reconsideration*, No. C2-06-896, 2009 WL 10663619 (S.D. Ohio July 30, 2009) (agreeing that any voter has standing where "every voter [is] subjected to the challenged barrier, i.e., the requirement that they produce photo identification"); *Green Party of Tenn. v. Hargett*, 194 F. Supp. 3d 691, 697 (M.D. Tenn. 2016) (same); Br. at 17.

consistently found that voter-outreach organizations like Plaintiffs have standing to challenge laws that impede their work. *See, e.g.*, *Coal. for Open Democracy v. Scanlan*, 794 F. Supp. 3d 28, 41 (D.N.H. 2025) (holding that an organization had standing where proof-of-citizenship requirement would interfere with voter registration services).[5]

Plaintiffs do not assert standing based on advocacy or educating the public. They challenge the Ban because it impedes their core work: registering voters—particularly students—and turning them out to vote. Ex. 6 ¶¶ 7–9 (Vargas Decl.); Ex. 14 ¶ 4 (Klitzsch Decl.). The Ban makes every interaction with student voters more time-consuming and less effective. Explaining that a student ID no longer qualifies, walking students through alternatives, and helping those who lack acceptable ID must now be built into registration and turnout work that used to be straightforward. *See, e.g.*, Defs.' Ex. 13 (Vargas Dep.) at 70:8–17, 83:3–20, 106:17–24; Defs.' Ex. 14 (Klitsch Dep.) at 50:5–22; 72:23–25; 73:1–74:12. That requires training Plaintiffs' employees and volunteers to provide this information. Defs.' Ex. 13 (Vargas Dep.) at 55:10–58:11; 60:14–19 ("[W]e're also going to have to train our volunteers who have worked with us in the past, including myself, on election defense so that we all understand what this student ID ban means so that we can be on the ground the day of and we can support our constituents and our people."); Defs.' Ex. 14 (Klitzsch Dep.) at 50:11–14 (if the Ban is not enjoined, "we'll need to make sure volunteers are trained on the specifics of what SB10 means and providing alternative ways for young people to be prepared day of for election"). And despite Plaintiffs' efforts, the Ban diminishes their impact: at least some of the students Plaintiffs have registered will be turned away at the polls. Defs.' Ex.

[5] *See also, e.g.*, *Republican Nat'l Comm. v. N.C. State Bd. of Elections,* 120 F.4th 390, 396–97 (4th Cir. 2024); *Nairne v. Landry*, 151 F.4th 666, 682 (5th Cir. 2025); *League of United Latin Am. Citizens v. Exec. Off. of the Pres.*, 808 F. Supp. 3d 29, 57 (D.D.C. 2025); *Jud. Watch, Inc. v. Ill. State Bd. of Elections*, No. 24 C 1867, 2025 WL 2712209, at *8 (N.D. Ill. Sept. 23, 2025); *Voto Latino v. Hirsch*, 712 F. Supp. 3d 637, 657 (M.D.N.C. 2024).

13 (Vargas Dep.) at 110:11–111:9; Ex. 6 ¶¶ 8–9, 12–13 (Vargas Decl.); Ex. 14 ¶¶ 13–14 (Klitzsch Decl.).

The Ban also impairs Count US IN's election protection program. Count US IN sends volunteers to polling places near public colleges and universities to ensure that voters have the information and support they need to cast a ballot. Defs.' Ex. 13 (Vargas Dep.) at 52:13–54:15; 128:2–129:2. Because of the Ban, more students will be turned away at the polls, and Count US IN's volunteers will be occupied addressing those emergencies, leaving less capacity to perform the program's other functions: encouraging voters in line, answering voters' questions, and ensuring that voters leave the polls with a positive experience that makes them more likely to vote again. *Id*. at 53:13–54:15; 52:22–23; 129:3–132:16.

Defendants do not contest any of this evidence. *See* Opp. at 10–14. They say nothing about Count US IN's election protection program, volunteer training, or the students Plaintiffs have already registered who will now be turned away. Instead, they mischaracterize selectively cited evidence. Defendants claim, for instance, that Count US IN "has made no operational changes in response to SB 10 over the last year." Opp. at 13 (citing Defs.' Ex. 13 (Vargas Dep.) at 53:13–19). But the deposition excerpt they rely on concerns Count US IN's voter protection hotline; it says nothing about operational changes. Defs.' Ex. 13 (Vargas Dep.) at 53:13–19. In any event, Count US IN's student-focused work—volunteer training, updates to materials, voter registration, and election protection—is concentrated in the weeks before elections and currently underway. *See, e.g.*, *id*. at 54:3–55:9, 56:10–20; 103:5—104:2.

Defendants next contend that Women4Change's existing materials already mentioned voter ID, so the Ban requires nothing new. But those materials contained what Women4Change called "a very general overview" of voter ID—because before SB 10, voter ID was not a major

barrier to voting for Women4Change's student constituency. *See* Defs.' Ex. 14 (Klitsch Dep.) at 38:19–45:24. Now, helping students register and vote requires providing "specific information to help young people, or college students in particular, navigate SB 10 and the new requirements." *Id.* at 36:22–37:5; *see id.* at 72:23–75:2.

Finally, Defendants tell the Court that Plaintiffs provided no estimates of the "additional time it will allegedly take to update materials or educate potential voters." Opp. at 13. The transcripts show otherwise: because of the Ban, interactions with potential student voters take ten minutes instead of five, Defs.' Ex. 13 (Vargas Dep.) at 108:4–9; helping a turned-away voter takes 12 or more minutes instead of three, *id.* at 130:19–131:6; and Women4Change's updates to its materials will consume 25 hours of staff time, Defs.' Ex. 14 (Klitsch Dep.) at 37:13–16. Defendants cannot manufacture an *Alliance* problem by ignoring the evidence and citing only what they believe fits their theory.

Relying on their carefully curated version of the record, Defendants invoke the Seventh Circuit's recent opinion in *Wisconsin Voter Alliance*, calling it "another case concerning voter-ID regimes." Opp. at 11. That case is nothing like this one. *Wisconsin Voter Alliance* concerned an organization that filed a complaint demanding stricter enforcement of voter-ID requirements and then sued when the state agency declined to act. 166 F.4th at 630. That is pure advocacy—and applying *Alliance*, the Seventh Circuit found it could not confer standing. *Id.* at 637–38.[6] Plaintiffs

[6] Defendants note that the district court in *Crawford* found the organizational plaintiffs lacked standing, but omit the reason: the court held that, at that time, *Havens* had never been extended beyond the housing context. *Ind. Democratic Party v. Rokita*, 458 F. Supp. 2d 775, 815–19 (S.D. Ind. 2006), *aff'd sub nom. Crawford v. Marion Cnty. Election Bd.*, 472 F.3d 949 (7th Cir. 2007), *aff'd*, 553 U.S. 181 (2008). Since *Crawford* was not a housing case, the court found *Havens* inapplicable. Courts since that decision—including the Supreme Court—have not applied that limitation, and have found organizational standing in a variety of contexts, including where a law impedes voter assistance services. *See Alliance*, 602 U.S. at 395; *see also supra* note 5 & accompanying text (cases finding organizational standing in the voting context).

are not mere advocacy organizations frustrated by an agency's inaction. The Ban causes "concrete disruptions" to their core activities: helping students register and vote. *Id.* at 638. That evidence—detailed, specific, and almost entirely uncontested—is more than sufficient for standing. *Havens*, 455 U.S. at 379.

B. State Defendants are not immune from suit, and an injunction against them would redress Plaintiffs' injuries.

Defendants next contend that they are immune from suit and that an injunction against them would not redress Plaintiffs' injuries. Opp. at 14–15. Both arguments rest on the same flawed premise: that the Secretary of State and Election Division have "no direct role" in enforcing SB 10. *Id*. at 14. But the law does not require a "direct role" in enforcement. So long as state officials have "some connection" to enforcement of the challenged law, sovereign immunity does not apply. *Ent. Software Ass'n v. Blagojevich*, 469 F.3d 641, 645 (7th Cir. 2006) (quoting *Ex parte Young*, 209 U.S. 123, 157 (1908)). And redressability requires only that the injury be "causally connected" to that enforcement. *Lukaszczyk v. Cook County*, 47 F.4th 587, 598 (7th Cir. 2022). Both standards are met.

As an initial matter, Defendants do not argue that one of the existing Defendants—the Indiana Election Commission—is immune from suit or that an injunction against it would not redress Plaintiffs' injuries. *See* Compl. ¶ 23. *But see* Opp. at 14–15. And indeed, the Election Commission is not just a proper Defendant—it is *the* entity charged with implementing election-related court orders. *Gonzalez v. Feinerman*, 663 F.3d 311, 315 (7th Cir. 2011). Moreover, Indiana law authorizes the Election Commission to "[a]dminister Indiana election laws," and adopt rules

to "implement . . . court order[s]." *See* Ind. Code § 3-6-4.1-14(a)(1), (2)(i). That settles jurisdiction—at a minimum, the Court has the power to enjoin the Commission.[7]

The Secretary of State and Election Division are proper defendants too. The Secretary is the "chief state election official," who must "perform *all* ministerial duties related to the administration of elections." *See id.* §§ 3-6-3.7-2(5), 3-6-4.2-2. The Election Division must "assist the [Election Commission] and the [Secretary]" in those tasks and instruct local election officials on their duties under state and federal law. *Id*. § 3-6-4.2-2–14. Given these responsibilities, state and federal courts in Indiana have repeatedly concluded that the Secretary of State and Election Division are proper defendants in challenges to Indiana election laws. *See Common Cause Ind. v. Ind. Sec'y of State*, No. 1:12-CV-01603-RLY-DML, 2013 WL 12284648, at *1, *3 (S.D. Ind. Sep. 6, 2013); *League of Women Voters of Ind., Inc. v. Rokita*, 915 N.E.2d 151, 157 (Ind. Ct. App. 2009). Defendants offer no basis for a different outcome here.[8]

II. Plaintiffs are likely to succeed on the merits.

A. Plaintiffs are likely to prevail on their First and Fourteenth Amendment claim.

1. Defendants do not meaningfully contest Plaintiffs' evidence on burden.

Defendants misconstrue a well-established principle: voting restrictions that "fall more heavily" on particular groups of voters require higher scrutiny. *Anderson v. Celebrezze*, 460 U.S. 780, 792–93 & n.15 (1983); Order at 10–11. Defendants contend that courts must evaluate the

[7] Plaintiffs also seek injunctive relief against the Monroe County Board of Elections. *See* Compl. ¶ 25. Defendants do not suggest that their sovereign-immunity or redressability arguments apply to the County Board.

[8] Defendants rely on out-of-context dicta from *Indiana Democratic Party v. Rokita* stating that the Election "Division has no direct role in enforcing election laws, nor does the Secretary of State." *See* 458 F. Supp. 2d at 786. But whether the Election Division was a proper party was not at issue in that case—and the court expressly denied a motion to dismiss the Secretary of State and Election Division because it was unwilling to conclude that enforcing the voter ID law "will not implicate at least some of the[ir] statutory responsibilities." *Id*.

burden "across Indiana's voting population" as a whole—not its effect on "a particular group in isolation." Opp. at 16.[9] On that view, they suggest that the Ban's targeted impact actually makes it *less* burdensome, because "the effect of SB 10 is felt by fewer voters." *Id.* at 18. That gets *Anderson* precisely backwards. A law that concentrates its burden on certain groups is "especially difficult for the State to justify." *Anderson*, 460 U.S. at 792–93.[10]

On the facts, Defendants ignore most of Plaintiffs' evidence, offer nothing material of their own, and apply the wrong legal standard to the rest. Start with what Defendants ignore. They do not question the credibility of Plaintiffs' expert or any of his findings. *See generally* Ex. 2 (Mayer Decl.). They do not contest the data showing that voters on or near college campuses were three or four times less likely than the electorate as a whole to present an Indiana driver's license or state ID at the polls. Br. at 4. They never dispute that Americans between ages 18 and 24 are less likely to have driver's licenses, *id.* at 2–3; that nearly three-quarters of Indiana's students at public colleges and universities are between ages 18 and 24, *id.* at 4; or that Indiana's youngest voters are

[9] Defendants' only support for their theory is cases that articulate an entirely different principle—that particular election *provisions* should not be considered in isolation from the broader election code. Opp. at 16 (quoting *Democratic Nat'l Comm. v. Bostelmann*, 488 F. Supp. 3d 776, 800 (W.D. Wis. 2020)). Likewise, Justice Scalia's *Crawford* concurrence argued only that burdens should not be assessed based on *individual* voters' "peculiar circumstances"—it said nothing about disparate impact on groups. *See* 553 U.S. at 206 (Scalia, J., concurring). Meanwhile, the lead opinion in *Crawford* confirms that disparate impact matters: the Court considered whether the law imposed heavier burdens on certain groups in determining the appropriate level of scrutiny. *Id.* at 199 (plurality opinion).

[10] Defendants also argue that "[e]very court to have considered laws similar to SB 10 has ruled that *Crawford* compels the conclusion that eliminating university IDs does not impose an undue burden on the right to vote." Opp. at 18. Those cases do not say that. 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), *appeal pending*, No. 24-6376 (9th Cir. filed Oct. 16, 2024). In the third, there was no ban on student ID—plaintiffs challenged a voter ID law that never permitted them in the first place. *See Nash. Student Org. Comm. v. Hargett*, 155 F. Supp. 3d 749, 750–51 (M.D. Tenn. 2015).

concentrated on college campuses, *id.* at 4–5. Nor do they engage with the record showing that obtaining a qualifying ID is more difficult for students. *Id.* at 8–13.

Unable to contest Plaintiffs' evidence, Defendants omit what they cannot answer. They argue students could use "[p]assports, Indiana driver's licenses and state IDs," without addressing the evidence that those options are harder for students to obtain. Opp. at 19; Br. at 9–13. They insist students can obtain an ID "free of charge," without addressing the costs of the prerequisites. Opp. at 19; Br. at 12–13. And they point to provisional ballots without addressing the obvious: a provisional ballot only counts if the voter later presents a qualifying ID—that is no help to students who cast a provisional ballot because they lack one. Opp. at 19; Br. at 13.[11]

Defendants offer little evidence of their own—and nothing that moves the needle. They offer an exhibit on wait times at the BMV and an expert declaration arguing that BMV offices are not too far from college campuses. *See* Opp. at 19 (citing Defs.' Ex. 3 (Gimpel Decl.)). But the burden here is not based on wait times or trips to the BMV. Students are systematically less likely to have qualifying ID and the documents needed to obtain one—and less equipped to overcome those barriers when they arise. Br. at 2–5, 9–13. Defendants invoke declarations from three university administrators to argue that the Student ID Ban does not target students because employees may also have a university ID. Opp. at 20–21. Defendants themselves explain why this argument fails: "faculty, staff, and affiliates" are "more likely to possess alternate forms of ID."

[11] Defendants mischaracterize Plaintiffs' evidence about post-*Crawford* changes to ID requirements, claiming that Plaintiffs point to "obtaining a birth certificate and traveling to the BMV." Opp. at 19 n. 1 (citing Br. at 10 n.8). That is not Plaintiffs' argument. Plaintiffs presented evidence that the Legislature added requirements—proof of lawful status and proof of a Social Security Number—after the record closed in *Crawford*, and that the real cost of birth certificates has risen since *Crawford* was decided. Br. at 12–13; Exs. 73 at 5– 6; 74 at 4. The requirements for a license also changed to accept a narrower set of qualifying documents. Br. at 10 n.8 & accompanying text.

Id. at 22. In any event, a law need not *exclusively* impact a disfavored group to impact them disproportionately. *Cf. Muckway v. Craft*, 789 F.2d 517, 519–20 (7th Cir. 1986) (explaining that facially neutral laws may have a disproportionate impact).

Defendants also argue that the Ban's impact will be limited because some public universities have begun issuing digital IDs, citing declarations from two university administrators. Opp. at 6. But an option for digital IDs does not mean physical IDs are unavailable. Defendants' witnesses confirm that students can still obtain physical IDs. Defs.' Exs. 6 ¶ 15; 7 ¶ 13. Plaintiffs' student witnesses uniformly testified that they continue to rely on their physical student ID cards. *See* Defs.' Ex. 12 (Montagne Dep.) at 21:6–23 ("I think there is [a digital ID] on my phone, but yeah, you can't even use that to get on the bus."); Defs.' Ex. 17 (Sand Dep.) at 28:15–29:22; Defs.' Ex. 18 (Kuhl Dep.) at 13:15–24; Defs.' Ex. 16 (Qaddoura Dep.) at 15:21–16:14 (describing attendance trackers that "only scan physical IDs"). And when Purdue University transitioned to digital IDs in 2023, it provided its students with physical IDs specifically to use at the polls. Br. at 3; Ex. 18 at 9.[12]

Defendants' remaining arguments rest on a misreading of *Anderson-Burdick*. They assert that Plaintiffs "have not identified a single person who lacks another form of ID *or will be unable* to obtain another form of ID as a result of SB 10." Opp. at 22 (emphasis added). But *Anderson-Burdick* asks whether a restriction *burdens* the right to vote—not whether those burdens are impossible to overcome. Mr. Montagne has no qualifying alternative form of ID and obtaining one would impose significant burdens. *Supra*, § I.A.1. Taylor Sand has no qualifying ID at school because she has no secure place to keep her passport. Defs.' Ex. 17 (Sand. Dep.) at 8:21–10:17,

[12] Defendants' expert Matt Crane acknowledged that legislation could resolve any confusion about whether digital ID can be used at the polls. Ex. 102 (Crane Dep.) at 153:20–158:14.

25:2–9. Absent an injunction, neither Mr. Montagne nor Ms. Sand will be able to vote in the 2026 primary. Ex. 7 (Montagne Decl.) ¶ 8; Ex. 93 (Sand Decl.) ¶ 10.

Mr. Montagne and Ms. Sand are not outliers. Plaintiffs' uncontested evidence shows that voters on or near college campuses are far less likely to possess a driver's license or state ID. Br. at 4. Even students who have another ID bear a real cost; as Defendants' expert emphasized, student ID is a "very accessible . . . easy-to-use form of ID" and is the form of ID students most commonly carry. Ex. 103 (Gimpel Dep.) at 67:10–70:15 (saying, of student ID, that students rely on it because "they're wearing it around their neck"). *Anderson-Burdick* assesses burdens on the right to vote; it does not give states free license to impose any burden so long as it falls short of an absolute bar. *Acevedo v. Cook Cnty. Officers Electoral Bd.*, 925 F.3d 944, 948 (7th Cir. 2019).

Finally, Defendants complain that Plaintiffs fail to quantify the impacted population—while simultaneously arguing that Plaintiffs' estimates show that the population is too small to matter. Opp. at 20–21. Plaintiffs' expert *did* estimate the impacted population: approximately 90,000 students at Indiana's public colleges and universities likely lack a driver's license. Ex. 2 at 18. Even reducing that number by half to account for students who may have a passport, "there are tens of thousands of eligible Indiana residents who could be reliant on a state-issued student ID to vote." *Id.*; *see also id.* at 11–13. Defendants take the halved figure—45,000—as the total, then dismiss it as only 6.6 percent of Indiana's population under 25.[13] Opp. at 21. But suppressing 6.6 percent of the youth vote is no rounding error. It creates precisely the kind of "disparity in voting power" that makes restrictions with disparate impact "especially difficult . . . to justify." *Anderson*, 460 U.S. at 793 & n.15 (quoting *Bullock v. Carter*, 405 U.S. 134, 144 (1972)). Even

[13] Defendants also incorrectly state that it does not account for the faculty and staff with student IDs or students at colleges like Ivy Tech, whose ID do not qualify, but Plaintiffs' expert explicitly accounted for these factors in his calculations. Br. at 21–22; Ex. 2 (Mayer Decl.) at 11–13, 18.

measured against the broader population, courts applying *Anderson-Burdick* have found that laws burdening comparable numbers of voters triggered heightened scrutiny. *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."); *Fla. Democratic Party v. Detzner*, No. 4:16-CV-607-MW/CAS, 2016 WL 6090943, at *6 (N.D. Fla. Oct. 16, 2016) ("If disenfranchising thousands of eligible voters does not amount to a severe burden on the right to vote, then this Court is at a loss as to what does.").

Defendants say this case is *Crawford.* But Defendants themselves explain why it is not: "The Court's opinion in *Crawford* addressed students living in Indiana and the briefing in the case addressed university IDs." Opp. at 18. The *Crawford* Court did not consider the impact of voter ID on students because the law offered them an accessible way to satisfy it *with student IDs*. SB 10 took that away. That targeted change demands heightened scrutiny. *Anderson*, 460 U.S. at 792–93.

2. Defendants' justifications are shifting and unsupported.

Defendants' justifications for the Student ID Ban shift each time they are asked to explain them. Though Defendants suggested the Ban could prevent actual voter fraud, Order at 12–13, they have apparently abandoned that concern after failing to identify a *single instance* of fraud related to the use of student ID as voter ID. Defendants now pivot to a new theory: they claim that the Ban increases public confidence in elections by reducing the public's *perception* of fraud. Opp. at 23–24. That fares no better.

Defendants' new public confidence justification rests entirely on declarations by two experts, *id.*—both of whom admitted that they have no idea whether the Ban has any impact on public confidence. Dr. Gaines, a political scientist, testified that voter ID laws *in general* are

popular—but admitted he found *no* data concerning whether the use of student IDs at the polls affects public confidence. Ex. 104 (Gaines Dep.) at 123:5–22. The only study Dr. Gaines cites to link stricter ID laws with increased voter confidence proves that voter ID laws *that include student ID* make voters more confident in the integrity of elections. Defs.' Ex. 4 (Gaines Decl.) ¶ 44; *see also* Opp. at 24 (relying on the same study). That study found that Virginia residents who received a postcard describing Virginia's voter ID law reported lower perceptions of voter fraud. *See* Ex. 106 (the study) at 1. But the postcard *specifically named student ID* as qualifying voter ID—defeating Defendants' point. *Id*. at 3; *see* Ex. 104 (Gaines Dep.) at 121:9–122:5. The second expert, Colorado election administrator Matthew Crane, admitted that he had also reviewed no data showing any connection between voter confidence and banning student ID. Ex. 102 (Crane Dep.) at 228:12–19. A state interest cannot justify a voting restriction that does not actually advance that interest. *See Tashjian v. Republican Party of Conn.*, 479 U.S. 208, 219–22 (1986).

Defendants' second justification is equally unsupported. Defendants contend the Student ID Ban advances "the orderly administration of elections and accurate recordkeeping" by "streamlining Indiana's photo identification requirement to make the acceptable forms of identification more uniform, objective, and verifiable," thereby reducing "confusion among voters and poll workers." Opp. at 24–25. It does the opposite. The Ban carves out a single form of voter ID that otherwise meets the law's neutral requirements—reducing uniformity, not increasing it. *See* Ex. 102 (Crane Dep.) at 235:9–17 (admitting that exceptions to neutral requirements can cause poll worker confusion); *see also* Order at 28. Moreover, Defendants have produced *no* evidence that, at any point over the two decades that Indiana has accepted student IDs, they have ever caused confusion or otherwise complicated election administration. Br. at 24–25; Exs. 45, 47–52. Nor do they acknowledge Plaintiffs' evidence showing that student ID was treated as a straightforward

issue, meriting only brief mention in poll-worker trainings. Br. at 9, 25. And as Defendants' expert admits, the aspects of student ID that Defendants warn may cause confusion are equally applicable to other forms of ID that the law still permits, including Veteran's Administration, military, and tribal ID cards, many of which are less uniform than student IDs.[14] *See* Br. at 25–26. Defendants never explain why student IDs *alone* needed to go. That inconsistency makes this rationale "difficult to credit." *Foster v. Chatman*, 578 U.S. 488, 505 (2016).[15]

Under *Anderson-Burdick*, even "slight" burdens must be "justified by relevant and legitimate state interests 'sufficiently weighty to justify the limitation.'" Order at 14 (quoting *Crawford*, 553 U.S. at 191). Defendants have no plausible justification for the Ban. There is therefore "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).

B. Plaintiffs are likely to succeed on their Twenty-Sixth Amendment claim.

In response to Plaintiffs' Twenty-Sixth Amendment claim, Defendants raise the same arguments this Court rejected when it denied Defendants' Motion to Dismiss. *See* Order at 17–23. Defendants offer no reason why this Court should alter its conclusions.

[14] Mr. Crane also admitted during his deposition that he has no evidence that student IDs issued by Indiana universities actually suffer from the defects he identifies, like weak security standards or frequent reissuance. Ex. 102 (Crane Dep.) at 138:16–142:2. And although he leads the Clerk's Association in Colorado, which regularly recommends legislative changes, neither he nor the association have ever recommended changing Colorado's law that currently allows student ID to be used to vote. *Id.* at 52:1–15.

[15] Defendants' purported concern that allowing student ID causes confusion is also belied by the fact that the vast majority of states with voter ID laws *do* allow student ID to be used at the polls. *See* Student ID as Voter ID, Campus Vote Project, https://perma.cc/U9KF-LMF6 (last accessed Mar. 20, 2026); *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).

3. The Student ID Ban abridges the right to vote on account of age.

Relying on *Tully v. Okeson*, 78 F.4th 377 (7th Cir. 2023), Defendants argue that the Ban cannot abridge the right to vote because "abridge" does not mean "retrogression," and the Ban "imposes no new material requirement on any voter." Opp. at 26.[16] That misreads *Tully* twice over.

First, the Seventh Circuit in *Tully* found that retrogression is not the *only* way a law can abridge the right—not that retrogression is never abridgement. Order at 19 (quoting *Tully,* 78 F.4th at 387 ("Focusing *just* on retrogression for purposes of the Fifteenth Amendment would preclude relief to individuals who, even before the passing of the act in question, had not enjoyed fully the right to vote." (emphasis added)). Nothing in *Tully* suggests that a law like the Ban, which makes voting more difficult, is not an abridgement.

Second, the Ban imposes precisely the sort of "material requirement" the *Tully* court found abridges the right to vote. *Tully* borrowed that term from the Supreme Court's "seminal Twenty-Fourth Amendment case," *Harman v. Forssenius*, 380 U.S. 528 (1965). *Tully*, 78 F.4th at 385–87. *Harman* held that abridgement occurs when a law "imposes a material requirement" on certain voters in that it "erects a real obstacle to voting" for people that engage in protected activity. 380 U.S. at 541. The Ban does exactly that: "While all other Indiana voters can vote using any state ID that satisfies the neutral requirements of Indiana's voter ID law, students with a state-issued student ID that otherwise satisfies those same neutral requirements must obtain a different form of identification to vote." Order at 20.

Defendants insist that allowing student IDs to vote was a "special privilege," and retracting that privilege merely equalizes the law. Opp. at 26. "But nothing about Indiana's voter ID law

[16] Defendants never address Plaintiffs' argument that the Ban *denies* many young voters their right to vote, in violation of the Twenty-Sixth Amendment, by foreclosing their access to the franchise altogether. Br. at 27.

itself provided 'special treatment' to students at public institutions. Student IDs issued by public universities simply met the law's neutral requirements." Order at 20; *see also League of Women Voters of Fla., Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1217 (N.D. Fla. 2018) ("Constitutional problems emerge . . . when conveniences are available for some people but affirmatively blocked for others."). Nor can *Crawford* help Defendants here. Opp. at 26. *Crawford* weighed the burden voter ID imposed against the state's justifications under *Anderson-Burdick*; it did not assess whether ID could be a material burden within the meaning of the Twenty-Sixth Amendment. *See generally Crawford*, 553 U.S. at 203–04. And in any event, the voter ID law challenged in *Crawford* permitted the use of student IDs to vote.

Finally, Defendants suggest that any burden the Ban imposes cannot abridge young voters' rights because the law is facially neutral, some young people are not students, and some students are not young. Opp. at 26–27. Defendants cite no authority to suggest that abridgement requires a perfect fit between the targeted group and the burden imposed—and courts have never demanded one. *See, e.g.*, *Veasey v. Abbott*, 830 F.3d 216, 239 (5th Cir. 2016) (en banc) (facially neutral voter ID law abridged the right to vote on account of race because it disproportionately impacted minority voters). Indeed, given the overlap between students and young voters, courts have repeatedly treated burdens imposed on students as abridgements on young voters' rights. *See, e.g.*, *League of Women Voters of Fla., Inc.*, 314 F. Supp. 3d at 1216–18 (holding that categorical ban on on-campus polling places abridged students' right to vote); *Nichol*, 186 F. Supp. 3d at 976–77 (finding that plaintiffs could survive summary judgment on their Twenty-Sixth Amendment claim challenging a law that required college students to "provide more documentation than other voters have to provide, both to register and to cast a ballot"), *aff'd in part, rev'd in part on other grounds*, *Luft v. Evers*, 963 F.3d 665 (7th Cir. 2020); *United States v. Texas*, 445 F. Supp. 1254, 1249–62

(S.D. Tex. 1978) (three-judge court finding that county official violated the Twenty-Sixth Amendment by refusing to register college students who lived in dormitories to vote, excluding them from the residency requirements that applied in every other context), *aff'd sub nom. Symm v. United States*, 439 U.S. 1105 (1979) (mem.). And the Twenty-Sixth Amendment's drafters themselves recognized its "particular relevance for . . . college youth." *Walgren v. Howes*, 482 F.2d 95, 101 (1st Cir. 1973) (citing 117 Cong. Rec. 5817, 5825 (1971) (statements of Sens. Charles Percy and Edward Brooke)).

4. The Student ID Ban was enacted with a discriminatory purpose.

Defendants argue that this Court should not apply the framework from *Village of Arlington Heights v. Metropolitan Housing Development Corp.*, 429 U.S. 252, 264–65 (1977). Again, Defendants point to *Tully*, claiming that the Seventh Circuit declined to apply *Arlington Heights* and relied instead on the "original meaning of the text." Opp. at 27. But the *Tully* court did not reject the *Arlington Heights* standard—it never reached intent at all. *Tully*, 78 F.4th at 379.[17]

Tully did, however, find that the Fifteenth Amendment was a model for the Twenty-Sixth. *Id.* On that same basis, a consensus has emerged among federal courts that "[t]he textual and structural similarities" between the Twenty-Sixth and Fifteenth Amendments "suggest that the *Arlington Heights* framework is the appropriate mechanism for evaluating . . . age discrimination claims." *Nichol*, 186 F. Supp. 3d at 976; *see also Allen v. Waller County*, 472 F. Supp. 3d 351, 363 (S.D. Tex. 2020) (recognizing this consensus); *League of Women Voters of Fla.*, 314 F. Supp. 3d at 1221 (same); Order at 20–21 (same).

[17] Defendants cite two other cases that never reached intent. *See Tex. Democratic Party v. Abbott*, 978 F.3d 168, 184 (5th Cir. 2020); *Nash. Student Org. Comm.*, 155 F. Supp. 3d 749. The only other case, *March for Our Lives Idaho v. McGrane*, is currently pending appeal in the Ninth Circuit on the Twenty-Sixth Amendment claim. *See March for Our Lives Idaho,* 749 F. Supp. 3d at 1135, *appeal pending*, No. 24-6376 (9th Cir. argued Sep. 17, 2025).

Applying *Arlington Heights*, Defendants simply mischaracterize Plaintiffs' evidence of intent. They reduce it to a claim that "the legislature was aware" of the Ban's potential impact and suggest Plaintiffs imputed isolated comments by activists onto the legislators. Opp. at 28. That is not Plaintiffs' evidence. Plaintiffs have presented evidence of discriminatory intent under nearly every *Arlington Heights* factor: the Ban has a disparate impact on students and youth, and that impact was foreseeable, Br. at 30–31; its historical background reveals it as the first and only time the legislature has amended the voter ID law to exclude a form of ID, *id.* at 31; its enactment was grounded in substantive departures from normal considerations, *id.* at 31–32; its justifications were pretextual, *id.* at 32; and it was enacted amid a nationwide pattern of restrictions on student voters, *id.* at 33.[18]

Though Defendants never engage with Plaintiffs' evidence in earnest, all of it points in one direction: the Ban's impact on young voters is not an incidental side-effect, but its north star.[19]

III. The remaining preliminary injunction factors favor relief.

A. Plaintiffs did not delay filing their preliminary injunction motion and *Purcell* does not bar relief.

Plaintiffs filed this suit weeks after SB 10 was enacted, diligently pursued discovery, and submitted their preliminary injunction motion on a schedule that *Defendants* proposed. Nevertheless, Defendants argue that Plaintiffs have unduly "delayed" their filing, and that the

[18] Defendants argue that Plaintiffs have no "direct" intent evidence. Opp. at 28. Plaintiffs sought documents from the legislative sponsors of SB 10, but the sponsors have thus far categorically refused to respond to the requests. *See* Doc. 81 at 3.

[19] As a final salvo on the merits, Defendants argue that Plaintiffs have not satisfied the requirements for a facial challenge, which require a plaintiff to assess the law's "full scope," identify its constitutional and unconstitutional applications, and show that its unconstitutional applications are "substantial" compared to its legitimate sweep. Opp. at 29–30 (quoting *Moody v. NetChoice, LLC*, 603 U.S. 707, 744 (2024)). Plaintiffs have done that. The Ban's "scope" is total: it prohibits student IDs for voting in all circumstances. *See* Br. at 19. Its unconstitutional applications do not merely outweigh the constitutional ones—there are no constitutional ones because the law is discriminatory and unsupported by any justification. *Moody*, 603 U.S. at 724.

straightforward relief Plaintiffs seek—reversion to prior practice on a single rule—would be too disruptive before the 2026 primary. The evidence shows otherwise.

Purcell requires courts to assess, based on the record, "whether the relief sought by Plaintiffs would be so disruptive as to be barred by the *Purcell* principle." *Am. Council of Blind of Ind. v. Ind. Election Comm'n*, No. 1:20-CV-03118-JMS-MJD, 2022 WL 702257, at *6 (S.D. Ind. Mar. 9, 2022) (citing *Purcell v. Gonzales*, 549 U.S. 1 (2006) (per curiam)). "How close to an election is too close" turns on "the nature of the election law at issue, and how easily the State could make the change without undue collateral effects." *Merrill v. Milligan*, 142 S. Ct. 879, 881 n.1 (2022) (Kavanaugh, J., concurring). Thus, a court in this district found that *Purcell* barred an injunction that would have required the State to take action that "would be logistically impossible" in the few weeks before the election. *Am. Council of Blind of Ind.*, 2022 WL 702257, at *5. But in the same order, the Court rejected a *Purcell* objection to an injunction against a discrete rule, finding it "would not constitute the kind of significant change or result in confusion that the *Purcell* principle seeks to avoid." *Id.* at *7; *accord Carey v. Wis. Elections Comm'n*, 624 F. Supp. 3d 1020, 1034–35 (W.D. Wis. 2022) (same, three weeks before absentee ballots were mailed). In short, *Purcell* assesses potential disruption, not just the calendar.

The Director of Elections for Marion County—Indiana's most populous—confirms that an injunction against the Ban could be implemented here. He attests that the county "could and would" update the relevant materials, all of which included information on student IDs before the Ban—and poll-worker training will not start until April. Ex. 107 (Decl. of Patrick Becker) ¶¶ 3–6 and accompanying exhibits. As for voter confusion, the Ban itself creates greater risk than an injunction would. *See* Ex. 2 (Mayer Decl.) at 8–11; Ex. 5 (Kuhl Decl.) ¶ 12; Ex. 93 (Sand Decl.) ¶¶ 13–15; Defs.' Ex. 13 (Vargas Dep.) at 114:10–115:10. And although Defendants protest that

election materials have already been printed, those materials prove the point.[20] Out of hundreds of pages, the sole change that Indiana made to its Election Administrator's Manual is a single sentence stating that "document[s] issued by an educational institution" can no longer "serve as photo ID for purposes of voting." Ex. 108 at -738; *see also* Ex. 60 at 227 (2024 manual excluding this sentence). The training materials tell the same story, addressing student ID in a single sentence. One sentence in, one sentence out. That is not the sort of complexity *Purcell* seeks to avoid. *Cf. League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 248 (4th Cir. 2014) (finding that an injunction "merely requir[ing] the revival of previous practices" is not unduly disruptive).

Nor did Plaintiffs delay filing this Motion. Defendants proposed the schedule they now paint as an untenable burden. After the Magistrate Judge directed the parties to submit a briefing schedule for Plaintiffs' preliminary injunction motion in November, Defendants rejected Plaintiffs' proposed schedule in favor of a longer one—which was ultimately entered by the Court. *See* Exs. 114; 115. Defendants took the same approach to the case schedule as a whole. To meet their burden on their "fact-intensive" claims, Order at 8–9 (quoting *Gill v. Scholz*, 962 F.3d 360, 365 (7th Cir. 2020)), Plaintiffs sought an expedited schedule—then agreed to Defendants' longer schedule with the express understanding that Plaintiffs would move for a preliminary injunction

[20] Defendants' declaration suggests that an injunction would require the state to update various materials, but it does not specify any materials in particular. At Plaintiffs' request, Defendants' counsel provided a list of them. *See* Ex. 109 (Email from Jeff Garn, Mar. 10, 2026). Aside from the election manual, the materials consist of two presentations and a handout that summarizes 2025 legislative changes—each describing the Ban in a single sentence. *See* Exs. 110 at -194; 111 at -238; 112 at -408. The other documents disclosed were copies of the same presentation and documents that pre-dated SB 10. *See* Ex. 109. The materials also reflect missed opportunities to avoid confusion: the training on legislative changes identified certain laws—but not the Student ID Ban—as subject to litigation, forgoing the opportunity to alert election workers to a potential injunction. *See* Ex. 113 at -372. And according to Defendants, the *total* cost of any reprinting of these materials is $30,000—a figure dwarfed by the $68,000 Defendants spent to compensate *a single expert* to oppose this Motion. Ex. 103 (Gimpel Dep.) at 13:4–10.

in early 2026, to ensure ample time for discovery but still allow for relief in time for the May primary. *See* Doc. 28 at 6–7. Defendants voiced no concerns about delay then either.

Defendants then slowed Plaintiffs' access to discovery needed to support the preliminary injunction motion. After Plaintiffs served discovery requests in August, Defendants sought multiple extensions on the grounds that their search was taking longer than anticipated, only to admit months later—after Plaintiffs sent a deficiency letter—that they had not begun their search at all. Exs. 116; 117; 118. Defendants did not produce a single document until November 2025—and did not begin their search of communications until December. Exs. 119, 120. Defendants then waited to notice depositions for Plaintiffs until mid-December and insisted all three be completed before filing their opposition. *See* Doc. 81 at 2.

Having engineered the timing they now invoke as a bar, Defendants cannot claim *Purcell*'s protections. *See Rose v. Raffensberger*, 143 S. Ct. 58, 59 (2022) (mem.) (unanimously vacating a *Purcell* stay "in light of [the State's] representations to the district court that the schedule on which the district court proceeded was sufficient to enable effectual relief"); *accord Jack. Branch of NAACP v. City of Jacksonville*, No. 22-13544, 2022 WL 16754389, at *2 (11th Cir. Nov. 7, 2022) (per curiam) (concluding, based on *Rose*, that *Purcell* did not apply where the schedule "was developed with [the State], working backwards from the date they provided, and the final schedule was accepted 'without caveat'"); *see also Marks Org., Inc. v. Joles*, 784 F. Supp. 2d 322, 333 (S.D.N.Y. 2011) (rejecting delay argument where delay resulted from plaintiff's "good faith efforts to investigate the facts" and the defendant's meritless motion to dismiss).

Finally, even where an injunction would impose some burden on election officials, relief remains appropriate when "the underlying merits are entirely clearcut in favor of the plaintiff." *Merrill*, 142 S. Ct. at 881 (Kavanaugh, J., concurring); *accord Carey*, 624 F. Supp. 3d at 1035

(finding that "[any] burden is justified by the clear violation of plaintiffs' federal rights"). This is such a case. *See infra* § II. *Purcell* does not require courts to ignore constitutional violations to reward the party responsible for the delay.

B. Plaintiffs have shown irreparable harm.

Plaintiffs have shown irreparable harm. Absent an injunction, Mr. Montagne will not be able to vote. *See supra* § I.A.1. Some of Women4Change's approximately 3,000 student members will likely be turned away at the polls, and the Ban will burden all of them. *See supra* § I.A.2; *see also* Ex. 14 (Klitzsch Decl.) ¶¶ 9–10. Count US IN and Women4Change face organizational injuries. The Ban impedes their voter registration, turnout, and election-protection services, making them less efficient and less effective—harms that will compound as elections approach. *See supra* § I.A.3.

Defendants claim that Mr. Montagne is not injured because it is *possible* for him to obtain a qualifying ID. Opp. at 19 n.1, 20. Mr. Montagne disagrees. Defs.' Ex. 12 (Montagne Dep.) at 77:18–24. But in any event, even a burden on the right is a constitutional injury—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). For both Mr. Montagne and Women4Change's members, burdens on the right to vote cannot be redressed later: there is "no do-over" after an election. *League of Women Voters of N.C.*, 769 F.3d at 247.

Nor are Count US IN and Women4Change's organizational injuries "only economic." Opp. at 32. The Ban's impediments to their services cannot be undone later—lost opportunities to help register and vote cannot be regained. As courts have repeatedly recognized, "[C]onduct that limits an organization's ability to conduct voter registration activities constitutes an irreparable injury."

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).

C. The equities strongly favor Plaintiffs.

The public has a "strong interest in exercising the fundamental political right to vote," *Purcell*, 549 U.S. at 4 (internal quotation marks and citation omitted), and ensuring citizens can exercise that right serves the public interest. *Carey*, 624 F. Supp. 3d at 1034. Defendants present nothing to tip the scales. The evidence does not support their purported voter confusion and inefficiency concerns. *See supra* § II.A.2. And Indiana has no valid interest in enforcing "a statute that is probably unconstitutional." *ACLU of Ill. v. Alvarez*, 679 F.3d 583, 589–90 (7th Cir. 2012).

IV. Defendants cannot limit the scope of this Court's relief.

As a final bid, State Defendants cite *Trump v. CASA, Inc.*, 606 U.S. 831 (2025), to argue that even if relief is warranted, the Court should limit it to the named parties. Opp. at 35. But *CASA* permits injunctions broad enough to afford "complete relief between the parties," even if that relief "ha[s] the practical effect of benefiting nonparties." 606 U.S. at 851–52 (citation and emphasis omitted). Applying this principle, in *Reporters Committee for Freedom of the Press v. Rokita*, the Seventh Circuit found a statewide injunction may be necessary because the plaintiff organizations' injuries stemmed from the law's enforcement against the broader public. 147 F.4th 720, 733 (7th Cir. 2025). The same logic applies here: it is impossible to remedy Count US IN and Women4Change's injuries without enjoining the Student ID Ban in its entirety. *Supra* § I.A.2–3.

CONCLUSION

The Court should grant Plaintiffs' Motion for a Preliminary Injunction.

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Respectfully submitted,

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