

United States District Court  
Southern District Of Indiana  
Indianapolis Division

INDIANA DEMOCRATIC PARTY, and	)
MARION COUNTY DEMOCRATIC	)
CENTRAL COMMITTEE,	)
	)
Plaintiffs,	)
v.	)
	)
TODD ROKITA, <i>et al.</i>	)
	)
Defendants.	)

1:05-CV-00634-SEB-VSS

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WILLIAM CRAWFORD, <i>et al.</i>	)
	)
Plaintiffs,	)
v.	)
	)
MARION COUNTY ELECTION BOARD,	)
	)
Defendant.	)

**INTERVENOR DEFENDANT STATE OF INDIANA’S  
ANSWER AND AFFIRMATIVE DEFENSES TO  
PLAINTIFFS’ INDIANA DEMOCRATIC PARTY AND  
MARION COUNTY DEMOCRATIC CENTRAL COMMITTEE COMPLAINT**

Intervenor Defendant State of Indiana (“State”), by counsel, answers Plaintiffs’  
Complaint, as follows:

**Admissions and Denials**

1. State does not contest subject matter jurisdiction. State admits that the  
Plaintiffs’ Complaint purports to bring an action under 42 U.S.C. § 1983 on behalf of  
those voters who associate with them. State denies any and all remaining allegations in  
paragraph 1 of Plaintiffs’ Complaint.

2. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of Plaintiffs' Complaint, and therefore denies them.

3. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of Plaintiffs' Complaint and therefore denies them.

4. State denies the allegations contained in paragraph 4 of Plaintiffs' Complaint.

5. State admits that Defendant Rokita is the Indiana Secretary of State. State asserts that Indiana Code § 3-6-3.7-1 speaks for itself and that the remaining allegations in paragraph 5 of Plaintiffs' Complaint are legal conclusions that require no response.

6. State admits that Defendants King and Robertson are co-directors of the Indiana Election Division of Secretary of State Rokita's office. State asserts that Senate Enrolled Act (SEA) 483 and Ind. Code §§ 3-6-4.2-14 and 3-5-4-8(b) speak for themselves and that the remaining allegations in paragraph 6 are legal conclusions that require no response.

7. State asserts that the Indiana Constitution, as well as, Ind. Code §§ 3-7-13-1 and 3-7-13-4 speak for themselves and that the remaining allegations in paragraph 7 are legal conclusions that require no response.

8. State asserts that Senate Enrolled Act (SEA) 483 speaks for itself and that the remaining allegations in paragraph 8 are legal conclusions that require no response.

9. State asserts that Senate Enrolled Act (SEA) 483 speaks for itself and that the remaining allegations in paragraph 9 are legal conclusions that require no response.

10. State asserts that Senate Enrolled Act (SEA) 483 speaks for itself and that the remaining allegations in paragraph 10 are legal conclusions that require no response.

11. State asserts that Senate Enrolled Act (SEA) 483 speaks for itself and that the remaining allegations in paragraph 11 are legal conclusions that require no response.

12. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of Plaintiffs' Complaint and therefore denies them.

13. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of Plaintiffs' Complaint and therefore denies them.

14. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of Plaintiffs' Complaint and therefore denies them.

15. State asserts that the 14<sup>th</sup> Amendment speaks for itself and that the remaining allegations in paragraph 15 are legal conclusions that require no response.

16. State denies the allegations contained in paragraph 16 of Plaintiffs' Complaint.

17. State denies the allegations contained in paragraph 17 of Plaintiffs' Complaint.

18. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of Plaintiffs' Complaint, and therefore denies them.

19. State denies the allegations contained in paragraph 19 of Plaintiffs' Complaint.

20. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of Plaintiffs' Complaint regarding the impact, if any, upon registered and otherwise qualified voters without identification who are poor or of otherwise limited means. State denies the allegation that SEA 483 is a de facto poll tax and any other remaining allegations contained in paragraph 20 of Plaintiffs' Complaint.

21. State denies the allegations contained in paragraph 21 of Plaintiffs' Complaint.

22. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 22 of Plaintiffs' Complaint, and therefore denies them.

23. State denies the allegations contained in paragraph 23 of Plaintiffs' Complaint.

24. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 24 of Plaintiffs' Complaint, and therefore denies them.

25. State asserts that Senate Enrolled Act (SEA) 483 speaks for itself and that the remaining allegations in paragraph 25 are legal conclusions that require no response.

26. State asserts that Ind. Code §3-14-2-16(a) speaks for itself and that the remaining allegations in paragraph 26 are legal conclusions that require no response.

27. State asserts that 42 U.S.C. § 1973i (e)(1) speaks for itself and that the remaining allegations in paragraph 27 are legal conclusions that require no response.

28. State is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 28 of Plaintiffs' Complaint, and therefore denies them.

29. State incorporates its answers to paragraphs 1 through 28 of Plaintiffs' Complaint for its answer to Paragraph 29 of Plaintiffs' Complaint. There are no remaining allegations in Paragraph 29 which require an answer.

30. State asserts that the First Amendment speaks for itself and that the remaining allegations in paragraph 30 are legal conclusions that require no response.

31. State denies the allegations contained in paragraph 31 of Plaintiffs' Complaint.

32. State incorporates its answers to paragraphs 1 through 31 of Plaintiffs' Complaint for its answer to Paragraph 32 of Plaintiffs' Complaint. There are no remaining allegations in Paragraph 32 which require an answer.

33. State asserts that the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1971 *et seq.* speaks for itself and that the remaining allegations in paragraph 33 are legal conclusions that require no response.

34. State denies the allegation in paragraph 34 of Plaintiffs' Complaint that SEA 483 violates the Voting Rights Act. State asserts that 42 U.S.C. § 1971(a)(2)(A) and SEA 483 speak for themselves and any remaining allegations contained in paragraph 34 of Plaintiffs' Complaint are legal conclusions that require no response.

35. State denies the allegation in paragraph 35 of Plaintiffs' Complaint that SEA 483 violates the Voting Rights Act. State asserts that 42 U.S.C. § 1971(a)(2)(B) and SEA 483 speak for themselves and any remaining allegations contained in paragraph 35 of Plaintiffs' Complaint are legal conclusions that require no response.

36. State denies the allegation in paragraph 36 of Plaintiffs' Complaint that SEA 483 violates the National Voters Registration Act of 1993 (NVRA). State asserts that 42 U.S.C. § 1973gg-6 and SEA 483 speak for themselves and any remaining allegations contained in paragraph 36 of Plaintiffs' Complaint are legal conclusions that require no response.

37. State denies the allegation in paragraph 37 of Plaintiffs' Complaint that SEA 483 violates the Help America Vote Act of 2002. State asserts that 42 U.S.C. §§ 15301 *et seq.*, 42 U.S.C. § 15483(b)(1) and (2), NVRA, 42 U.S.C. § 15545(a)(4), Voting Rights Act, 42 U.S.C. § 15545(a)(1) and SEA 483 speak for themselves and any remaining allegations contained in paragraph 37 of Plaintiffs' Complaint are legal conclusions that require no response.

38. State denies the allegations contained in paragraph 38 of Plaintiffs' Complaint.

39. State denies the allegations contained in paragraph 39 of Plaintiffs' Complaint.

40. State denies the allegations contained in paragraph 40 of Plaintiffs' Complaint.

41. State denies the allegations contained in paragraph 41 of Plaintiffs' Complaint.

WHEREFORE, State requests that the Court grant judgment in its favor, that Plaintiffs take nothing by way of their Complaint and grant all other relief just and proper in the premises.

**Affirmative Defenses**

First Defense

42 U.S.C. § 1971 *et seq.* and 42 U.S.C. § 15301 *et seq.* do not empower plaintiffs to seek direct relief from a violation.

Second Defense

Plaintiffs lack standing to bring suit under Article III of the United States Constitution and under 42 U.S.C. § 1983.

Third Defense

Plaintiffs do not present a real dispute which demonstrates a genuine need for judicial resolution at this time.

Fourth Defense

Plaintiffs' action is barred in whole or in part by the Eleventh Amendment of the United States Constitution.

Respectfully submitted,

STEVE CARTER  
Indiana Attorney General  
Atty. No. 4150-64

By: /s/ Thomas M. Fisher  
Thomas M. Fisher  
Special Counsel  
Atty. No. 17949-49

Doug Webber  
Deputy Attorney General  
Atty. No. 1015-49

### CERTIFICATE OF SERVICE

I hereby certify that on July 22<sup>nd</sup>, 2005, a copy of the foregoing Intervenor/ Defendant State of Indiana's Answer and Affirmative Defenses to Plaintiffs' Indiana Democratic Party and Marion County Democratic Central Committee was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system:

William R. Groth  
Fillenwarth Dennerline Groth & Towe  
[wgroth@fdgtlaborlaw.com](mailto:wgroth@fdgtlaborlaw.com)

Geoffrey S. Lohman  
Fillenwarth Dennerline Groth &  
Towe  
[glohman@fdgtlaborlaw.com](mailto:glohman@fdgtlaborlaw.com)

Barry A. Macey  
Macey Swanson & Allman  
[bmacey@maceylaw.com](mailto:bmacey@maceylaw.com)

James B. Osborn  
Office of Corporation Counsel  
[josborn@indygov.org](mailto:josborn@indygov.org)

Kenneth Falk  
Indiana Civil Liberties Union  
[ken.falk@iclu.org](mailto:ken.falk@iclu.org)

s/ Thomas M. Fisher  
Thomas M. Fisher  
Special Counsel

Office of Attorney General  
Indiana Government Center South, 5th Floor  
302 West Washington Street  
Indianapolis, IN 46204  
Telephone: (317) 232-6255  
Fax: (317) 232-7979  
[tfisher@atg.state.in.us](mailto:tfisher@atg.state.in.us)