



Following World War II, in February 1919 at the National American Women Suffrage Association's 50<sup>th</sup> convention, Carrie Chapman Catt proposed to create a "league of women voters to finish the fight [for getting women the vote] and to aid in the reconstruction of our nation". Six months prior to the ratification of the Nineteenth Amendment which granted women the right vote, the League of Women Voters was born. Two months later, the women of Indiana organized the National League of Women Voters of Indiana. In 1974, men were allowed to join the League of Women Voters as full voting members.

The League of Women Voters of Indiana has 17 chapters in Indiana and is a nonpartisan organization. Its over 900 members work to "provide[] statewide voter services resources and information"; "monitor[] state governmental activity"; and, "advocate[] for governmental policies and procedures that support League positions." The League of women Voters has evolved from an organization focused upon the needs of women and the voter training of women to an organization concerned with the voter training of all Hoosiers.

## DISCUSSION

### **I PETITIONERS SHOULD BE ALLOWED TO PERMISSIVELY INTERVENE**

Federal Rule of Civil Procedure 24(B) provides in part:

Upon timely application anyone may be permitted to intervene in an action: . . . (2) when an applicant's claim or defense and the main action have a question of law or fact in common. \* \* \* In exercising its discretion the court shall consider whether the intervention will unduly delay or prejudice the adjudication of the rights of the original parties.

As described in the attached Complaint in Intervention and herein, Petitioners are organized to safeguard the voting rights of its members and citizens of the State of Indiana and to increase their understanding of, and involvement in, the processes of governmental bodies. *See*, Exhibit A. As is also described in the attached Complaint in Intervention, the voting rights of Petitioners' members and Hoosiers will be impaired by the actions of the defendants in implementing SEA 483. Petitioners would have independent standing to file the attached Complaint in Intervention against the defendants to remedy this impairment. The claims asserted in the Complaint in Intervention arise from the Constitution of the United States, so that this court has jurisdiction over these claims under the provisions of 28 U.S.C. § 1331.

**A. PETITIONERS' CLAIMS HAVE QUESTIONS OF LAW AND FACT IN COMMON WITH THIS ACTION**

Petitioners maintain that their claims regarding Senate Enrolled Act No. 483 ("SEA 483") have questions of law and fact in common with the instant litigation.

The League of Women Voters of Indiana is a "nonpartisan political organization." It is nonpartisan in that it neither supports nor opposes candidates for office at any level of government nor does it support or oppose any political party. The League of Women Voters is political in that it is "working to influence policy through education and advocacy" and "is a part of the national, original grassroots citizen network, directed by the consensus of its members nationwide."

The League of Women Voters is committed to assisting all persons in exercising their fundamental right to vote. For example, the League of Women Voters of Ohio is a party to the lawsuit challenging how elections have been conducted. *League of Women*

*Voters, et al. v. Blackwell*, U.S. Dist. Ct., Northern Dist. Of Ohio, Western Div., Case No. 3:05-CV-7309 (Filed July 28, 2005). The League of Women Voters of Georgia was active in opposing the adoption of Senate Bill 84 which, similarly to SEA 483, requires voters to show specific forms of identification. *See*, Exhibit B. When SEA 483 was wending its way through the Indiana legislature, the League of Women Voters of Indiana opposed the adoption of SEA 483. *See*, Exhibit C.

The members of the League of Women Voters of Indiana come from all socio-economic levels, ages, political parties, ethnic background and races. Petitioners seek to advocate on behalf of not just one political group or age group or racial group but instead wishes to advocate on behalf of all of its members from their varying backgrounds and all Hoosiers. While particular groups may be impacted by SEA 483 in greater numbers, SEA 483 will impact persons of all political parties and socio-economic levels, regardless of race.

For example, Petitioners seek to advocate for the republican working mother who stops to vote on her way to work but finds she has forgotten her proof of identification and cannot later return to vote because of her job and childcare duties and who, for these same reasons, may find it impossible to take-off work to make a second trip across town to the clerk's office to show her proof of identification. Petitioners wish to advocate for voters who, as they age, may find themselves without need for a driver's license and due to established credit, banking relationships and internet bill paying services, find they do not need a state issued identification card and who, in their quest for independence, do not wish to prevail upon family or friends to assist them in getting proof of identification needed only for voting. Petitioners seek to advocate for rural persons such as those in

Knox County, Indiana where the driver's license branch in Bicknell is being closed leaving residents dependent upon the driver's license branch in Vincennes and without any public transportation to get the Vincennes office. One of the chapters of the League of Women Voters is located in Knox County, Indiana.

Petitioners believe that SEA 483 infringes upon voters' constitutional right to vote and violates the Helping America Vote Act and the Voting Rights Act. Petitioners believe that the issues raised by SEA 483 are not limited to impacting one political party, one ethnic group or one age group and on this basis wishes to intervene to ensure that the interests of all Hoosier voters are represented. Because of its diversity of membership, because of its mission to assist voters in exercising their fundamental right to vote and because the legal issues Petitioners believe are raised by the enactment of SEA 483, the law and facts supporting the claims of the Petitioners regarding SEA 483 are questions of law and fact shared in common with the instant action.

**B. PETITIONERS' MOTION TO INTERVENE IS TIMELY**

The next issue for consideration is whether the Petitioners' Motion to Intervene is timely.

"We consider the following factors to determine whether a motion is timely: (1) the length of time the intervenor knew or should have known of his interest in the case; (2) the prejudice caused to the original parties by the delay; (3) the prejudice to the intervenor if the motion is denied; (4) any other unusual circumstances." *Sokaogon Chippewa Community v. Babbitt*, 214 F.3d 941, 949 (7<sup>th</sup> Cir. 2000).

In the present case, the adjudication of the rights of the current parties will not be unduly delayed. *William Crawford, et al.* filed their original action in the state court on

April 28, 2005. The *Indiana Democratic Party, et al.* filed its action on May 2, 2005. The two cases were ultimately consolidated in this court on June 23, 2005. As an organization, Petitioners first discussed participation in the suit and then talked and met with counsel before Petitioners were able to finally determine that participation in the suit was in the interest of its members and the public it serves.

If Petitioners are allowed to intervene, there will be no delay in the adjudication of this matter because Petitioners will agree to abide by the existing discovery and briefing schedule. At this time, Petitioners do not anticipate the need for additional discovery and will be prepared to file a dispositive motion on or before October 30, 2005. If the defendants should need to serve discovery upon Petitioners, the Petitioners will agree to an expedited schedule in responding to such discovery.

If the Petitioners are not allowed to intervene in this action, the Petitioners will be prejudiced because the Petitioners may then incur the additional expense of filing their own action which Petitioners anticipate would then be consolidated on this matter.

On this basis, as there will be no undue delay in the adjudication of this matter, Petitioners respectfully request that they be allowed to intervene in this matter.

### **CONCLUSION**

As the claims of the League of Women Voters of Indiana and the League of Women Voters of Indianapolis share common questions of law and fact with the instant action and as the intervention of Petitioners will not unduly delay nor prejudice the adjudication of this action, Petitioners respectfully request that they be allowed to intervene in this lawsuit pursuant to FRCP 24(B).



Respectfully submitted,  
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### CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of September, 2005, a copy of the foregoing pleading 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.

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