

United States District Court
Southern District Of Indiana
Indianapolis Division

INDIANA DEMOCRATIC PARTY,)
and MARION COUNTY)
DEMOCRATIC CENTRAL)
COMMITTEE,)

Plaintiffs,)

v.)

CAUSE NO: 1:05-CV-00634-SEB-VSS

TODD ROKITA, in his official)
capacity as Indiana Secretary of State;)
J. BRADLEY KING, and KRISTI)
ROBERTSON, each in their official)
capacities as co-directors of the Indiana)
Election Division,)

Defendants,)

**DEFENDANTS' MOTION TO DISMISS
FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Federal Rule of Civil Procedure 12(b)(1), Defendants Todd Rokita, in his official capacity as Indiana Secretary of State, and J. Bradley King and Kristi Robertson, each in their official capacities as co-directors of the Indiana Election Division, by counsel, the Attorney General of Indiana, respectfully move the Court to dismiss the Complaint. In support of this motion, Defendants and the Attorney General assert as follows:

This Court should dismiss the Complaint because the Plaintiffs have sued Defendants that cannot provide the relief they seek and therefore the Court lacks subject matter jurisdiction. Under Indiana law these Defendants do not enforce Public Law 109-2005, which is the voter photo-identification law the Plaintiffs are challenging. Under the requirements for standing, the asserted injuries are not traceable to the Defendants and the Court will be unable to redress the Plaintiffs' claims.

In further support of this Motion, Defendants and the Attorney General respectfully refer the Court to their Memorandum in Support of Defendants' Motion to Dismiss, filed herewith.

WHEREFORE, Defendants Todd Rokita, in his official capacity as Indiana Secretary of State, and J. Bradley King and Kristi Robertson, each in their official capacities as co-directors of the Indiana Election Division, respectfully move the Court to dismiss the Complaint and to grant Defendants such further relief as is just and equitable.

Respectfully submitted,

STEVE CARTER
Attorney General of the State of Indiana

By: s/ Thomas M. Fisher
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CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2005, a copy of the foregoing Motion to Dismiss 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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