

STATE OF INDIANA )  
 ) SS:  
COUNTY OF MARION )

IN THE MARION SUPERIOR COURT  
CAUSE NO. 49D02-0806-PL-027627

LEAGUE OF WOMEN VOTERS )  
OF INDIANA, INC., )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
TODD ROKITA, )  
in his official capacity as )  
Indiana Secretary of State, )  
 )  
Defendant. )

**DEFENDANT’S MOTION TO DISMISS**

Pursuant to Indiana Rules of Trial Procedure 12(B)(1) and 12(B)(6), Defendant Todd Rokita, in his official capacity as Indiana Secretary of State, respectfully moves the Court to dismiss the Plaintiff’s Complaint. As explained more fully in the memorandum accompanying this motion, this case is not justiciable against the Secretary of State and, even if it is, the Plaintiff has failed to state a claim upon which relief can be granted. The Court should dismiss the Complaint in its entirety.

In support of this motion, the Defendant asserts as follows:

1. This Court should dismiss the Complaint because the Voter ID Law does not create an additional qualification to vote, and therefore does not violate Article 2, § 2 of the Indiana Constitution.

2. This Court should also dismiss the Complaint because the Secretary of State, the lone defendant in this case, does not enforce Indiana Code § 3-11-8-25.1, the Indiana Voter Identification Law that is being challenged in this case. Thus, an injunction against him would

do nothing to redress the Plaintiff's alleged injuries. Accordingly, the case is not justiciable and must be dismissed under Rule 12(B)(1).

3. While all facts asserted in the Complaint must be taken as true for purposes of this motion, the Defendant concedes no facts asserted in the Complaint.

4. The Defendant reserves for later briefing—should it become necessary—all arguments regarding the Plaintiff's standing to bring this claim.

WHEREFORE, Defendant Todd Rokita, in his official capacity as Indiana Secretary of State, respectfully moves this Court to dismiss the Complaint and to grant the Defendant such further relief as is just and equitable.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I do hereby certify that on the 14<sup>th</sup> day of July, 2008, I caused the foregoing to be served by First-Class United States Mail, postage prepaid, on the following:

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