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# Exhibit A

April 2, 2025

Secretary Diego Morales  
Office of the Indiana Secretary of State Diego Morales  
200 West Washington Street, Room 201  
Indianapolis, IN 46204  
*Via Certified Mail and Email to General Counsel Jerold Bonnet ([jbbonnet@sos.IN.gov](mailto:jbbonnet@sos.IN.gov))*

Co-Directors J. Bradley King and Angela M. Nussmeyer  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204  
*Via Certified Mail and Email ([bking@iec.IN.gov](mailto:bking@iec.IN.gov) & [anussmeyer@iec.IN.gov](mailto:anussmeyer@iec.IN.gov))*

**Re: Notice of Violation of National Voter Registration Act**

Dear Secretary Morales and Co-Directors King and Nussmeyer:

We write on behalf of Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference, members of those organizations, and other individuals and organizations similarly situated, regarding the application of Section 17 of Indiana Public Law 65-2024 (also known as 2024 HEA 1264, hereinafter “the Bureau of Motor Vehicles (“BMV”) Citizenship Crosscheck Provision” or “the Provision”), codified at I.C. 3-7-38.2-7.3. The undersigned include non-partisan organizations that advocate for the right of all eligible voters to freely participate in Indiana’s elections and include Indiana-based organizations serving and assisting eligible voters in exercising their right to vote. The BMV Citizenship Crosscheck Provision prescribes certain voter registration list maintenance procedures, which in effect require numerous voters to provide documentary proof of citizenship (“DPOC”). This letter serves as written notice pursuant to 52 U.S.C. § 20510(b) that the enforcement of the BMV Citizenship Crosscheck Provision violates Sections 5, 6, 7, 8, and 9 of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20504–20508.

Only U.S. citizens may vote in state and federal elections, and the overwhelming evidence shows that non-citizens neither vote nor attempt to vote.<sup>1</sup> Every Indiana voter affirms their citizenship under penalty of perjury upon registering to vote. The BMV Citizenship Crosscheck Provision is one of several far-reaching, harmful, and unnecessary policies that Indiana has advanced or enacted in recent years to address unsubstantiated concerns of non-citizen voting. The

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<sup>1</sup> Elizabeth DePompei, *Voter fraud is rare. 2 Indiana cases demonstrate how unusual it is.*, Indianapolis Star (Oct. 6, 2020), <https://www.indystar.com/story/news/politics/elections/2020/10/06/voter-fraud-indiana-cases-show-rarity-voter-fraud/3586956001> (reporting that voter fraud is rare both nationally and in Indiana and that the Secretary of State’s office stated clearly that Indiana’s elections are safe and secure); Michael Waldman, *Noncitizen Voting Is Already Illegal—and Vanishingly Rare*, Brennan Ctr. (Apr. 17, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare> (stating that the “big rumor . . . that hordes of noncitizens are voting . . . [is] false. A lie. An urban myth.”); Alex Nowrasteh, *Noncitizens Don’t Illegally Vote in Detectable Numbers*, Cato Inst. (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers> (finding that “there is no good evidence that noncitizens voted illegally in large enough numbers to actually shift the outcome of elections or even change the number of electoral votes.”).

BMV Citizenship Crosscheck Provision only complicates Indiana’s voting and voter registration processes to make both less accessible for Indiana voters by creating unnecessary hurdles that only naturalized citizens—and no U.S.-born citizens—have to endure to exercise their right to vote.

Beginning July 1, 2025, the BMV Citizenship Crosscheck Provision will require Indiana’s NVRA official to attempt to verify voter citizenship by comparing the statewide voter registration file with the Indiana Bureau of Motor Vehicles’ (the “BMV”) list of temporary credentials issued to individuals who were non-citizens at the time they obtained their credentials. If the BMV database identifies a registered voter as having had a temporary credential in the past, the NVRA official must notify county registrars, who then must send a notice to the voter requiring the voter to provide DPOC within 30 days. If the voter fails to respond and provide DPOC by the deadline, the registrar must cancel the voter’s voter registration.

It is our understanding that the BMV database is not an accurate and reliable record of which Indiana residents currently are non-citizens. This is because individuals who obtain driver’s licenses or state identification cards as non-citizens, and who subsequently become naturalized as United States citizens, are not required to notify the BMV when they gain citizenship because their previously-obtained driver’s licenses or identification cards remain valid until the expiration date, despite the change in the voter’s citizenship status. Accordingly, in many cases, the BMV will only be notified of an individual’s new citizenship when their license or identification card is renewed, which may occur years after naturalization. As a result, the process mandated by the BMV Citizenship Crosscheck Provision is likely to mis-identify numerous naturalized citizens as non-citizens and subject them to the additional requirement to provide DPOC or be removed from the voter rolls. This requirement is never imposed on U.S.-born citizens.

Congress enacted the NVRA to protect U.S. citizens from discriminatory and unfair registration laws and voter purge mechanisms, particularly those that have a “disparate impact” and negatively impact voter participation among historically marginalized groups. 52 U.S.C. §§ 20501(a)–(b); *see also Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 407 (4th Cir. 2024) (“The NVRA’s legislative history confirms that Congress enacted the act . . . for the express purpose of combating racial discrimination.”). The BMV Citizenship Crosscheck Provision directly conflicts with this stated purpose of the NVRA because it will target eligible naturalized citizen voters for removal, who are disproportionately people of color.

**I. The BMV Citizenship Crosscheck Provision Violates NVRA Sections 5, 6, 7, 8, and 9**

**a. The BMV Citizenship Crosscheck Provision Violates NVRA Section 6 by Failing to Comply with the Federal Form Requirement to Register Voters for Federal Elections and Violates NVRA Sections 5, 6, 7, and 9 Regarding Individuals Using the State Form to Register for Federal Elections**

As you know, Indiana voters may register to vote using the National Mail Voter Registration Form (“Federal Form”) promulgated by the U.S. Election Assistance Commission



(“EAC”) pursuant to the NVRA.<sup>2</sup> Section 6 of the NVRA requires states to “accept and use” the Federal Form to register voters to vote in federal elections. 52 U.S.C. § 20505(a)(1). The Federal Form requires a voter attest to their U.S. citizenship, but the Federal Form does not require that they provide documentary proof thereof.<sup>3</sup> States are “preclude[d] . . . from requiring a Federal Form applicant to submit information beyond that required by the form itself.” *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 20 (2013).

The BMV Citizenship Crosscheck Provision violates Section 6 by imposing an additional requirement on a subset of Indiana registrants that is not required by the Federal Form. Although the BMV Citizenship Crosscheck Provision provides for a voter registration list maintenance procedure, it effectively functions as a requirement that certain registrants—those who BMV records identify as having at some point been a non-citizen, even if they have since become naturalized—provide DPOC or have their voter registration cancelled. By requiring such DPOC, the BMV Citizenship Crosscheck Provision clearly imposes requirements beyond those of the Federal Form.

The NVRA also limits what information states may require from individuals registering to vote in federal elections using a state form. Section 6 allows states to use a state form for individuals to register for federal elections by mail, 52 U.S.C. § 20505(a)(2), so long as the form complies with the requirements of Section 9(b), 52 U.S.C. § 20508(b). Under Section 9(b), a state mail registration form may only require “information . . . necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.” Section 5(c)(2)(B) applies the same requirement to state registration forms used in conjunction with applications for driver’s licenses and identification cards. 52 U.S.C. § 20504(c)(2)(B). Section 7 requires that state forms provided at public assistance agencies be “equivalent” to the Federal Form. 52 U.S.C. § 20506(a)(6)(A)(ii).

In *Mi Familia Vota v. Fontes*, 129 F.4th 691, 719–20 (9th Cir. 2025), the Ninth Circuit recently held that state form registrants in Arizona may not be required to provide DPOC to vote in federal elections because that information exceeds the NVRA’s “necessary” limitation, since the Arizona state form mandates that applicants attest to their citizenship, which provides registrars with the requisite proof of citizenship. The Indiana state form also includes a citizenship attestation, and thus, requiring DPOC likewise violates the “necessary” limitation. The Ninth Circuit further held that Section 7 precludes Arizona from requiring that state form registrants at public assistance agencies provide DPOC because that is not consistent with the requirement that the state form be “equivalent” to the Federal Form. This analysis applies to registration at Indiana public assistance agencies as well.

In sum, the BMV Citizenship Crosscheck Provision effectively functions as a DPOC requirement and violates Sections 5, 6, 7, and 9 of the NVRA for voters who register using either the Federal Form or the Indiana state form.

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<sup>2</sup> *Voter Registration*, Indiana Secretary of State Diego Morales, <https://www.in.gov/sos/elections/voter-information/register-to-vote/>.

<sup>3</sup> *National Mail Voter Registration Form*, United States Election Assistance Commission, <https://www.eac.gov/voters/national-mail-voter-registration-form>.

**b. The BMV Citizenship Crosscheck Provision Violates NVRA Section 8(b) by Imposing Non-Uniform and Discriminatory List Maintenance Procedures**

The BMV Citizenship Crosscheck Provision also violates NVRA Section 8(b). Section 8(b) requires that list maintenance programs be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). A list maintenance program violates the NVRA’s uniform and nondiscriminatory requirements when the program is not applied in the same manner to all registered voters. *See, e.g., Ind. State Conf. of Nat’l Ass’n for Advancement of Colored People v. Lawson*, 326 F. Supp. 3d 646, 657–58 (S.D. Ind. 2018) (enjoining voter list maintenance law pertaining to the now dismantled Crosscheck system as non-uniform and discriminatory), *aff’d sub nom. on other grounds, Common Cause Ind. v. Lawson*, 937 F.3d 944 (7th Cir. 2019).

The BMV Citizenship Crosscheck Provision violates Section 8(b) by requiring a comparison of voter rolls with BMV data that would erroneously flag only naturalized, and not U.S.-born, citizens, as potential “noncitizens,” triggering the additional requirement to provide DPOC. Federal courts have looked unfavorably on other programs similar to the BMV Citizenship Crosscheck Provision, which target and disproportionately burden only naturalized citizens. *See Mi Familia Vota*, 129 F.4th at 714–15 (Arizona requirement that registrars crosscheck Federal Form registrants against a database maintained by the U.S. Citizenship and Immigration Services violated Section 8(b) because only naturalized citizens, not U.S. born citizens, were targeted); *United States v. Florida*, 870 F. Supp. 2d 1346, 1350 (N.D. Fla. 2012) (finding a Florida program nearly identical to the BMV Citizenship Crosscheck Provision likely violated Section 8(b) because the “methodology made it likely that the properly registered citizens who would be required to respond and provide [citizenship] documentation would be primarily newly naturalized citizens,” which “was likely to have a discriminatory impact on these new citizens”). For the same reasons, the BMV Citizenship Crosscheck Provision also violates the Different Practices Provision of the Civil Rights Act, which prohibits applying different standards, practices, or procedures for determining voter eligibility to different individuals. *Mi Familia Vota*, 129 F.4th at 723; *see* 52 U.S.C. § 10101(a)(2)(A).

In sum, the BMV Citizenship Crosscheck Provision prescribes a nonuniform and discriminatory list maintenance process that violates Section 8(b) of the NVRA.

**c. The BMV Citizenship Crosscheck Provision Risks Violating NVRA Section 8(c)(2) Because the Provision Provides No Deadline for Completing Its Systematic Program of Removal Before Federal Elections**

The BMV Citizenship Crosscheck Provision also risks violating NVRA Section 8(c)(2). Section 8(c)(2) requires that any systematic program of removal of registered voters from the voter rolls must be completed no later than 90 days before a primary or general election for federal office. 52 U.S.C. § 20507(c)(2)(A). In enacting the NVRA, Congress sought to ensure that eligible voters will not have their right to vote interfered with on the eve of an election by administrative error or discriminatory or unfair list maintenance procedures.

Yet the BMV Citizenship Crosscheck Provision provides no deadline for completing the removal process. The purpose of the 90-day deadline is to ensure that eligible voters “have enough time to rectify any errors” after being erroneously removed from the rolls in time to be able to vote

successfully in federal elections. *See Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). While I.C. 3-7-38.2-2(a)(3) separately provides that list maintenance programs “must . . . be completed not later than ninety (90) days before a primary or general election,” there is nothing in the BMV Citizenship Crosscheck Provision that requires its systematic program of removal program to be fully completed 90 days before an election—which includes not only the comparison of the voter rolls to the BMV list of temporary credentials, and the notification of voters by county officials, but also the 30-day window for the voter to respond as well as the actual cancellation of the voter’s registration by the county. Under the BMV Citizenship Crosscheck Provision, if any voter identified through the systematic comparison of the voter rolls to the BMV list is removed from the rolls within the 90-day quiet period, that would be a violation of Section 8(c)(2) of the NVRA. Therefore, lacking any designated deadline for removal, the BMV Citizenship Crosscheck Provision contains no safeguards against and poses a significant risk of violating the 90-day requirement of the NVRA.

## **II. Request for Records**

The NVRA requires that Indiana, upon request, produce “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1). Accordingly, we request copies of the following records:

1. Individualized voter information for all registered voters currently listed in the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) as provided by I.C. 3-7-38.2-7.3(b);
2. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3;
3. Any and all communications, instructions, advisories, or any other guidance provided or exchanged within your offices regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3; and
4. All records regarding any steps taken by your offices or by other state, county, or local officials to determine, prior to initiating the removal process provided by I.C. 3-7-38.2-7.3, whether any of the registered voters listed in “the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f)” are, in fact, naturalized citizens.

We expect that any charge for these records will be a “reasonable cost,” as required under the NVRA’s Public Disclosure Provision. 52 U.S.C. § 20507(i)(1). Please inform us of the expected cost prior to delivery if it exceeds \$100.

We agree to maintain the confidentiality of individualized voter information and prevent any disclosure or distribution of individualized voter information to the general public. This information will be used by the undersigned organizations to assist these identified voters who are at risk of harm from the BMV Citizenship Crosscheck Provision.

If any responsive documents or communications are in your possession or in the possession of any employee of your offices on computers or other electronic devices, including personal devices, or in paper copy, please include copies of such documents and communications in your production.

If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document.

If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed.

If you believe any responsive records would be kept by other public bodies, please notify us of the same and forward this request to the appropriate personnel in those bodies.

We request that you send all records in electronic format via email or other electronic method, if possible, to the email addresses provided in the signatures. If this is not possible, we can confer about other ways to access these records.

### **III. Request for Correction of These NVRA Violations**

The Secretary of State of Indiana is the State's Chief Elections Officer, I.C. 3-11-8-15(a)(14), and the Co-Directors of the Indiana Election Division are jointly designated the chief state election official responsible for coordination of state responsibilities under the NVRA, I.C. 3-7-11-1. As such, the Secretary of State of Indiana and the Co-Directors of the Indiana Election Division are responsible for ensuring Indiana's compliance with the NVRA. *See* 52 U.S.C. § 20509. This letter constitutes notice pursuant to 52 U.S.C. § 20510(b) that your enforcement of the BMV Citizenship Crosscheck Provision will violate 52 U.S.C. §§ 20505(a)(1) and 20507(b)(1). If the violations identified above are not corrected within 90 days of your receipt of this notice letter, the undersigned may proceed with litigation and seek declaratory or injunctive relief to remedy the violation. *See* 52 U.S.C. § 20510(b)(2) ("If the violation is not corrected within 90 days after receipt of the notice . . . the aggrieved person may bring a civil action . . .").

Measures purporting to protect the integrity of elections should be designed to address actual, substantive concerns and must conform with laws protecting voters' rights. The BMV Citizenship Crosscheck Provision fails on both fronts. We look forward to your response and ask that you direct all communications to Ami Gandhi, Director of Midwest Voting Rights Program at Chicago Lawyers' Committee for Civil Rights by e-mail to [agandhi@clccrul.org](mailto:agandhi@clccrul.org).

Sincerely,

Common Cause Indiana  
P.O. Box 1603  
Indianapolis, IN 46206

League of Women Voters of Indiana  
1500 North Delaware Street

Indianapolis, IN 46202

Hoosier Asian American Power  
334 North Senate Avenue  
Indianapolis, IN 46204

NAACP Indiana State Conference  
P.O. Box 47903  
Lafayette, IN 47903

Aneel Chablani  
Ami Gandhi  
Rachel Habliston  
Conner Kozisek  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 630-9744

Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

cc:

Matthew Kestian, General Counsel  
Indiana Bureau of Motor Vehicles  
Indiana Government Center North  
100 North Senate Avenue, Room 403  
Indianapolis, IN 46204  
*Via Certified Mail and E-mail (mkestian1@bmv.in.gov)*

# Exhibit B





**STATE OF INDIANA**  
**Indiana Election Division**

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, Indiana 46204-2767  
Phone: (317) 232-3939  
Fax: (317) 233-6793

VIA EMAIL AND MAIL

April 4, 2025

Ami Gandhi  
Director of Strategic Initiatives and Midwest Voting Rights Program  
Chicago Lawyers' Committee for Civil Rights,  
100 N. LaSalle St., Ste. 600  
Chicago, IL 60602  
[agandhi@clcscrul.org](mailto:agandhi@clcscrul.org)

Dear Ms. Gandhi,

The Indiana Election Division has received your letter regarding "Notice of Violation of National Voter Registration Act" that we received on April 2, 2025. Your letter contains two matters, a "written notice" by an aggrieved person of a violation of the National Voter Registration Act (NVRA) and a public records request.

Regarding the notice of an alleged violation of the NVRA, our office has prescribed the "NVRA & STATE VOTER REGISTRATION VIOLATION COMPLAINT (VRG-25)" form. This form needs to be completed so that the NVRA complaint procedures (IC 3-7-11-3 et. al.) can be initiated. Please complete this form and return it to our office so that it can be attached to your letter dated April 2, 2025.

Regarding the public records request part of this letter, as required by Indiana Code 5-14-3-9, this letter is a response to your request for access to public records, which was received by this office on April 2, 2025. This initial response is only from the Indiana Election Division. The Indiana Secretary of State is a separate office and we do not fulfill public records request for that office. You requested:

"1. Individualized voter information for all registered voters currently listed in the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) as provided by I.C. 3-7-38.2-7.3(b);

**Response:** IC 3-7-38.2-7.3(b) does not go into effect until July 1, 2025. As of the date of this letter we have received no list of individuals with a temporary credential from the bureau of motor vehicles for compliance with IC 3-7-38.2-7.3. Therefore, the Indiana Election Division does not have records responsive to this request.

2. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3;

**Response:** For communication records, before the Indiana Election Division reviews its records for materials responsive to your requests, we ask that you provide more particular information about the records you are requesting. According to the Indiana Public Access Counselor, requests must be reasonably particular, a requirement of the Access to Public Records Act, namely, IC 5-14-3-3. When submitting a public records request for communications, the Indiana Public Access Counselor has opined that requests must identify the following four items:

1. Name sender;
2. Named recipient;
3. Time frame of six (6) months or less; and
4. Particularized subject matter or set of search terms.

*Lewbel v. City of Carmel*, 18-FC-63, Opinion of the Public Access Counselor.

For your request, please identify a named recipient, and restate your request to a time frame of 6 months or less.

For instructions, advisories, and any other guidance documents, the Indiana Election Division is currently reviewing and identifying records responsive to your request. We will reply with records responsive to your request in a reasonable amount of time.

3. Any and all communications, instructions, advisories, or any other guidance provided or exchanged within your offices regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3.

**Response:** For this part of your request concerning "instructions, advisories or any other guidance", we need more information about your use of the term "within your offices." Please be reasonably particular about which offices you are referring.

Additionally, for communication records, before the Indiana Election Division reviews its records for materials responsive to your requests, we ask that you provide more particular information about the records you are requesting. According to the Indiana Public Access Counselor, requests must be reasonably particular, a requirement of the Access to Public Records Act, namely, IC 5-14-3-3. When submitting a public records request for communications, the Indiana Public Access Counselor has opined that requests must identify the following four items:

1. Name sender;
2. Named recipient;
3. Time frame of six (6) months or less; and
4. Particularized subject matter or set of search terms.

*Lewbel v. City of Carmel*, 18-FC-63, Opinion of the Public Access Counselor.



For your request, please identify a named sender, a named recipient, and restate your request to a time frame of 6 months or less.

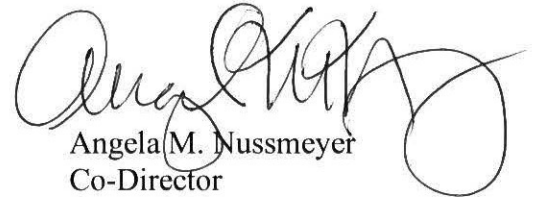
4. All records regarding any steps taken by your offices or by other state, county, or local officials to determine, prior to initiating the removal process provided by I.C. 3-7-38.2-7.3, whether any of the registered voters listed in "the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f)" are, in fact, naturalized citizens.

Response: IC 3-7-38.2-7.3 does not go into effect until July 1, 2025. Therefore, there are no records responsive to this request.

Sincerely,



J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

# Exhibit C

May 20, 2025

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204-2767  
*Via Email to mkochevar@iec.in.gov & vawarycha@iec.in.gov*

**Re: NVRA Public Records Request Received April 2, 2025**

Dear Co-Directors King and Nussmeyer:

On April 2, 2025, Chicago Lawyers' Committee for Civil Rights, Lawyers' Committee for Civil Rights Under Law, and Bowman & Vlink, LLC submitted a request for four sets of public records on behalf of Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference pursuant to the National Voter Registration Act Public Disclosure Provision ("NVRA"), 52 U.S.C. § 20507(i)(1). On April 4, 2025, we received your response from the Indiana Election Division. We submit the following reply to your response. We also received a response to a portion of the records request on April 14, 2025.

**Request 1:** Your response to our first request for "[i]ndividualized voter information for all registered voters currently listed in the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) as provided by I.C. 3-7-38.2-7.3(b);" stated:

IC 3-7-38.2-7.3(b) does not go into effect until July 1, 2025. As of the date of this letter we have received no list of individuals with a temporary credential from the bureau of motor vehicles for compliance with IC 3-7-38.2-7.3. Therefore, the Indiana Election Division does not have records responsive to this request.

**Reply:** Under I.C. 3-11-4-2.2, the Bureau of Motor Vehicles (BMV) provides the Indiana Election Division and the Secretary of State a daily list of individuals' identification information in the BMV database, which includes specifying which identification numbers are associated with temporary credentials. The statute further indicates that this information is provided for the identification numbers to be matched with the voter registration records in the statewide voter registration system that, inter alia, then indicates which registration records are associated with a temporary credential. Consistent with this understanding and without waiving any right to seek all records responsive to the initial request, we amend our initial request to the following:

- 1. Individualized voter information for all registered voters currently listed in the statewide voter registration system as being associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f), pursuant to I.C. 3-7-38.2-7.3(b), I.C. 3-11-4-2.2, and/or any other law, regulation, practice, or procedure.**

**Request 2:** Your response to our second request for “[a]ny and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3,” stated:

For communication records, before the Indiana Election Division reviews its records for materials responsive to your requests, we ask that you provide more particular information about the records you are requesting. According to the Indiana Public Access Counselor, requests must be reasonably particular, a requirement of the Access to Public Records Act, namely, IC 5-14-3-3. When submitting a public records request for communications, the Indiana Public Access Counselor has opined that requests must identify the following four items:

1. Name[d] sender;
2. Named recipient;
3. Time frame of six (6) months or less; and
4. Particularized subject matter or set of search terms.

*Lewbel v. City of Carmel*, 18-FC-63, Opinion of the Public Access Counselor.

For your request, please identify a named recipient, and restate your request to a time frame of 6 months or less.

For instructions, advisories, and any other guidance documents, the Indiana Election Division is currently reviewing and identifying records responsive to your request. We will reply with records responsive to your request in a reasonable amount of time.

**Reply:** Although there is guidance from the Indiana Public Access Counselor (“PAC”) indicating best practices for submitting a records request for communications, these “are mere guidelines . . . and a public agency can accept a public records request which does not meet every single search parameter listed above.” Informal Inquiry of the Public Access Counselor 16-INF-26 (2016). As such, this guidance does not constitute “an absolute elemental test[.]” and “there is no one-size-fits-all answer when it comes to reasonable particularity in the context of requests for emails.” Opinion of the Public Access Counselor 23-FC-59 (2023). Therefore, requests for communications are analyzed “on a case-by-case basis with some flexibility.” Opinion of the Public Access Counselor 23-FC-59 (2023).

In addition, we do not concede that our request, which was submitted in accordance with the NVRA, is governed by PAC guidance, and we reserve all rights. Specifically, the NVRA unambiguously requires states to maintain and make available records from at least the past 2 years. 52 U.S.C. § 20507(i)(1).<sup>1</sup>

Nevertheless, and without waiving any right to seek all records responsive to the original request,

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<sup>1</sup> See also *Pub. Interest Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 943 (C.D. Ill. 2022) (“Where a state law either ‘stands as an obstacle to the accomplishment and execution of’ an act of Congress, *Hines v. Davidowitz*, 312 U.S. 52, 67 (1941), or makes ‘compliance with both federal law and state regulations’ impossible, *Florida Lime & Avocado Growers, Inc. v. Paul*, 373 U.S. 132, 142–43 (1963), the state law will be preempted.”).

we are willing to provide additional reasonable particularity to facilitate the search by amending our second request to the following:

2. **Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3.**

**Specifically in regard to the request for communications provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3, please provide all communications from March 11, 2024 to present in the following lanes:**

- |               |                                                                                                                                   |
|---------------|-----------------------------------------------------------------------------------------------------------------------------------|
| <b>Lane 1</b> | <b>Sender: Any official within the Indiana Election Division<br/>Recipient: Any official within the Indiana Election Division</b> |
| <b>Lane 2</b> | <b>Sender: Any official within the Indiana Election Division<br/>Recipient: Any County Election Authorities</b>                   |
| <b>Lane 3</b> | <b>Sender: Any County Election Authorities<br/>Recipient: Any official within the Indiana Election Division</b>                   |

**Request 3:** Your response to our third request for “[a]ny and all communications, instructions, advisories, or any other guidance provided or exchanged within your offices regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3;” stated:

For this part of your request concerning “instructions, advisories or any other guidance”, we need more information about your use of the term “within your offices.” Please be reasonably particular about which offices you are referring to.

Additionally, for communication records, before the Indiana Election Division reviews its records for materials responsive to your requests, we ask that you provide more particular information about the records you are requesting. According to the Indiana Public Access Counselor, requests must be reasonably particular, a requirement of the Access to Public Records Act, namely, IC 5-14-3-3. When submitting a public records request for communications, the Indiana Public Access Counselor has opined that requests must identify the following four items:

1. Name[d] sender;
2. Named recipient;
3. Time frame of six (6) months or less; and
4. Particularized subject matter or set of search terms.

*Lewbel v. City of Carmel*, 18-FC-63, Opinion of the Public Access Counselor.

For your request, please identify a named sender, a named recipient, and restate your request to a time frame of 6 months or less.



**Reply:** Without waiving any right to seek all records responsive to the original request, we have amended our request below to clarify the original use of the phrase “within your offices.” We are also willing to provide additional reasonable particularity to facilitate the search for records of communications. However, we again note that the Indiana PAC has opined that the four items you have requested in your response are guidelines, not an absolute elemental test, and requests for records should be evaluated on a case-by-case basis with some flexibility. In addition, we do not concede that our request, which was submitted in accordance with the NVRA, is governed by PAC guidance, and we reserve all rights. We amend our third request to the following:

3. **Any and all communications, instructions, advisories, or any other guidance provided or exchanged within the Indiana Election Division, Secretary of State’s Office, and BMV, and/or between the Indiana Election Division, the Secretary of State’s Office, and/or the BMV regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3.**

**Specifically in regard to the request for communications provided or exchanged within the Indiana Election Division, Secretary of State’s Office, and BMV, and/or between the Indiana Election Division, the Secretary of State’s Office, and/or the BMV regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3, please provide all communications from March 11, 2024 to present in the following lanes:**

|               |                                                                                                                                       |
|---------------|---------------------------------------------------------------------------------------------------------------------------------------|
| <b>Lane 1</b> | <b>Sender: Any official within the Indiana Election Division<br/>Recipient: Any official within the Indiana Election Division</b>     |
| <b>Lane 2</b> | <b>Sender: Any official within the Secretary of State’s Office<br/>Recipient: Any official within the Secretary of State’s Office</b> |
| <b>Lane 3</b> | <b>Sender: Any official within BMV<br/>Recipient: Any official within the BMV</b>                                                     |
| <b>Lane 4</b> | <b>Sender: Any official within the Indiana Election Division<br/>Recipient: Any official within the Secretary of State’s Office</b>   |
| <b>Lane 5</b> | <b>Sender: Any official within the Indiana Election Division<br/>Recipient: Any official within the BMV</b>                           |
| <b>Lane 6</b> | <b>Sender: Any official within the Secretary of State’s Office<br/>Recipient: Any official within the Indiana Election Division</b>   |
| <b>Lane 7</b> | <b>Sender: Any official within the Secretary of State’s Office<br/>Recipient: Any official within the BMV</b>                         |
| <b>Lane 8</b> | <b>Sender: Any official within the BMV<br/>Recipient: Any official within the Indiana Election Division</b>                           |

**Lane 9**

**Sender: Any official within the BMV**

**Recipient: Any official within the Secretary of State's Office**

**Request 4:** Your response to our fourth request for “[a]ll records regarding any steps taken by your offices or by other state, county, or local officials to determine, prior to initiating the removal process provided by I.C. 3-7-38.2-7.3, whether any of the registered voters listed in ‘the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f)’ are, in fact, naturalized citizens” stated:

IC 3-7-38.2-7.3 does not go into effect until July 1, 2025. Therefore, there are no records responsive to this request.

**Reply:** While IC 3-7-38.2-7.3 does not go into effect until July 1, 2025, your offices may have already identified, developed, or proposed practices or procedures that may be undertaken after IC 3-7-38.2-7.3 goes into effect to assess whether registration records determined to be associated with a temporary credential issued by the BMV are for individuals who became naturalized citizens after their temporary credentials were issued.

Accordingly, without waiving any right to seek all records responsive to the original request, we have amended our request below to clarify what was meant by “steps taken.”

- 4. All records regarding any practices or procedures identified, developed, or proposed by your offices or by other state, county, or local officials which currently are being implemented, or which will be implemented or may be implemented after I.C. 3-7-38.2-7.3 goes into effect, to determine or assess whether any registration records associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) are for individuals who are naturalized citizens.**

As we stated in our initial request, we expect that any charge for these records will be a “reasonable cost,” as required under the NVRA’s Public Disclosure Provision. 52 U.S.C. § 20507(i)(1). Please inform us of the expected cost prior to delivery if it exceeds \$100.

We agree to maintain the confidentiality of individualized voter information and prevent any disclosure or distribution of individualized voter information to the general public. This information will be used by the undersigned organizations to assist these identified voters who are at risk of harm from the BMV Citizenship Crosscheck Provision (Section 17 of Indiana Public Law 65-2024, also known as 2024 HEA 1264).

If any responsive documents or communications are in your possession or in the possession of any employee of your offices on computers or other electronic devices, including personal devices, or in paper copy, please include copies of such documents and communications in your production. If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document. If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to

which an appeal should be addressed.

If you believe any responsive records would be kept by other public bodies, please notify us of the same and forward this request to the appropriate personnel in those bodies.

We request that you send all records in electronic format via email or other electronic method, if possible, to the email addresses provided in the signatures. If this is not possible, we can confer about other ways to access these records.

Thank you for your time and consideration in responding to this request.

Sincerely,

Aneel Chablani  
Ami Gandhi  
Rachel Habliston  
Conner Kozisek  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 630-9744

Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

CC:

Jerold Bonnett, General Counsel, Office of the Indiana Secretary of State Diego Morales,  
[jbonnet@sos.IN.gov](mailto:jbonnet@sos.IN.gov)

Matthew Kestian, General Counsel, Indiana Bureau of Motor Vehicles, [mkestian1@bmv.in.gov](mailto:mkestian1@bmv.in.gov)

# Exhibit D



**STATE OF INDIANA**  
**Indiana Election Division**

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, Indiana 46204-2767  
Phone: (317) 232-3939  
Fax: (317) 233-6793

May 22, 2025

Ami Gandhi  
Director of Strategic Initiatives and Midwest Voting Rights Program  
Chicago Lawyers' Committee for Civil Rights,  
100 N. LaSalle St., Ste. 600  
Chicago, IL 60602  
[agandhi@clcscrul.org](mailto:agandhi@clcscrul.org)

Dear Ms. Gandhi,

This letter is a response to your letter containing a request for access to public records, which was received by the Indiana Election Division on May 20, 2025. You requested:

1. Individualized voter information for all registered voters currently listed in the statewide voter registration system as being associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f), pursuant to I.C. 3-7-38.2-7.3(b), I.C. 3-11-4-2.2, and/or any other law, regulation, practice, or procedure.

**Response:** Indiana Code 3-11-4-2.2 provides that temporary credential information provided by BMV is confidential. The statute is below for reference.

**IC 3-11-4-2.2 Providing identification numbers and temporary credential information; updating voter registration record; confidentiality**

Sec. 2.2. (a) Each day the bureau of motor vehicles shall provide to the secretary of state and the election division:

- (1) driver's license numbers;
- (2) identification card numbers; and
- (3) the last four (4) digits of a Social Security number;

for the purpose of matching these numbers to voter registration records in the statewide voter registration system. The secretary of state and the election division shall provide this information to each county voter registration office through a module of the computerized list.

(b) At the time it provides the information under subsection (a), the bureau of motor vehicles shall inform the secretary of state and the election division whether an individual identified by one (1) of the numbers listed in subsection (a)(1) through (a)(3) is associated with a temporary credential issued under IC 9-24-11-5(c) or IC 9-24-16-3(f). The secretary of state and the election division shall provide this information to each county voter registration office through a



module of the computerized list. Information provided under this subsection shall be kept confidential.

(c) If the bureau of motor vehicles provides a driver's license number, an identification card number, or the last four (4) digits of a Social Security number under subsection (a) that is not a part of the voter's registration record, the county voter registration office shall update the voter's registration record to include this information.

(d) Information provided under subsection (a) shall be kept confidential and may only be used for the purposes described in subsection (a). A county voter registration office is only required to redact the confidential information in responding to a public records request under IC 5-14-3.

2. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3.

Specifically in regard to the request for communications provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3, please provide all communications from March 11, 2024, to present in the following lanes:

Lane 1 Sender: Any official within the Indiana Election Division  
Recipient: Any official within the Indiana Election Division

Lane 2 Sender: Any official within the Indiana Election Division  
Recipient: Any County Election Authorities

Lane 3 Sender: Any County Election Authorities  
Recipient: Any official within the Indiana Election Division

**Response:** We have not implemented IC 3-7-38.2-7.3, therefore, we have no responsive documents.

3. Any and all communications, instructions, advisories, or any other guidance provided or exchanged within the Indiana Election Division, Secretary of State's Office, and BMV, and/or between the Indiana Election Division, the Secretary of State's Office, and/or the BMV regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3.

Specifically in regard to the request for communications provided or exchanged within the Indiana Election Division, Secretary of State's Office, and BMV, and/or between the Indiana Election Division, the Secretary of State's Office, and/or the BMV regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3, please provide all communications from March 11, 2024, to present in the following lanes:



Lane 1 Sender: Any official within the Indiana Election Division  
Recipient: Any official within the Indiana Election Division

Lane 2 Sender: Any official within the Secretary of State's Office  
Recipient: Any official within the Secretary of State's Office

Lane 3 Sender: Any official within BMV  
Recipient: Any official within the BMV

Lane 4 Sender: Any official within the Indiana Election Division  
Recipient: Any official within the Secretary of State's Office

Lane 5 Sender: Any official within the Indiana Election Division  
Recipient: Any official within the BMV

Lane 6 Sender: Any official within the Secretary of State's Office  
Recipient: Any official within the Indiana Election Division

Lane 7 Sender: Any official within the Secretary of State's Office  
Recipient: Any official within the BMV

Lane 8 Sender: Any official within the BMV  
Recipient: Any official within the Indiana Election Division

Lane 9 Sender: Any official within the BMV  
Recipient: Any official within the Secretary of State's Office

**Response:** IC 5-14-3-4(b)(6) provides that records that are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are communicated for the purpose of decision making are not public record. We have not implemented IC 3-7-38.2-7.3, therefore, we have no responsive documents.

4. All records regarding any practices or procedures identified, developed, or proposed by your offices or by other state, county, or local officials which currently are being implemented, or which will be implemented or may be implemented after I.C. 3-7-38.2-7.3 goes into effect, to determine or assess whether any registration records associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) are for individuals who are naturalized citizens.

**Response:** The temporary credential information being shared by the BMV to the statewide voter registration does not indicate whether the individual became a naturalized citizen. The data being transmitted only indicates in a "yes" or "no" fashion whether the voter received a temporary credential under IC 9-24-11-5(c) or IC 9-24-16-3(f) at the

time of their credential transaction with the BMV. Therefore, we have no responsive documents.

Sincerely,

A handwritten signature in cursive script that reads "J. Bradley King".

J. Bradley King  
Co-Director

A handwritten signature in cursive script that reads "Angela M. Nussmeyer".

Angela M. Nussmeyer  
Co-Director

# Exhibit E

June 19, 2025

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204-2767

*Via Email to mkochevar@iec.in.gov & vawarycha@iec.in.gov*

**Re: NVRA Public Records Request Dated April 2, 2025**

Dear Co-Directors King and Nussmeyer:

On April 2, 2025, Chicago Lawyers' Committee for Civil Rights, Lawyers' Committee for Civil Rights Under Law, and Bowman & Vlink, LLC submitted a request for four sets of public records on behalf of Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference, pursuant to the National Voter Registration Act Public Records Provision ("NVRA"), 52 U.S.C. § 20507(i)(1). On April 4, 2025, we received your initial response, and on April 14, 2025, we received your first response to a portion of the records request. We submitted a reply to your response on May 20, 2025, and on May 22, 2025, we received your second response to our reply. We now submit the following reply to your May 22, 2025, response.

**Amended Request 1:** Your response to our amended first request for "individualized voter information for all registered voters currently listed in the statewide voter registration system as being associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f), pursuant to I.C. 3-7-38.2-7.3(b), I.C. 3-11-4-2.2, and/or any other law, regulation, practice, or procedure," stated in part:

Indiana Code 3-11-4-2.2 provides that temporary credential information provided by BMV is confidential.

**Reply:** We respectfully respond that your office has misstated the provisions of I.C. 3-11-4-2.2 or misconstrues our request to be limited in scope to individuals' driver's license numbers, identification card numbers, or the last four digits of Social Security numbers. I.C. 3-11-4-2.2 by its terms does not provide that temporary credential information provided by the BMV to the Indiana Secretary of State and the Indiana Election Division is confidential. Accordingly, we restate our request for the specified registered voter information.

Specifically, I.C. 3-11-4-2.2(d) states that "[i]nformation provided under subsection (a) [by the BMV to the Secretary of State and the Election Division] shall be kept confidential . . . ." The information in subsection (a) includes driver's license, identification card numbers, and the last four digits of Social Security numbers. I.C. 3-11-4-2.2(a). However, we are not requesting any of this information.

Instead, we are requesting the registration records for all individuals currently in the Indiana registered voter database that the BMV or Indiana election officials have identified as having a temporary credential under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f). These records may include, but are not limited to, lists of individuals' names and addresses who have been identified by the BMV under I.C. 3-11-4-2.2(b) as having an associated temporary credential and referred to the Indiana Secretary of State and the Indiana Election Division. I.C. 3-11-4-2.2 does not specify that this information is confidential. If driver's license numbers, identification card numbers, or the last four digits of Social Security numbers are included in those records, your office must redact this information under I.C. 3-11-4-2.2, but your office may not refuse to make *entire* documents or records with other identifying information (e.g., names and addresses) publicly available under I.C. 3-11-4-2.2.

Furthermore, we are making this request pursuant to the NVRA, which may supersede any purported state law restrictions that conflict with its Public Records Provision. The NVRA requires states to disclose "all records" related to any effort by the state to ensure "the accuracy and currency" of voter registration lists. 52 U.S.C. § 20507(i)(1). Lists of names and addresses, which are implicated in this request, are expressly the types of information required to be maintained and made available for public inspection under Section 8(i)(2) of the NVRA. 52 U.S.C. § 20507(i)(2).

Section 8(i) is not limited to just lists of names and addresses. As courts have recognized in interpreting the NVRA Public Records Provision, "the use of the word 'all' [as a modifier] suggests an expansive meaning because 'all' is a term of great breadth." *Project Vote/Voting for Am., Inc. v. Long*, 682 F.3d 331, 336 (4th Cir. 2012) (internal quotation marks omitted). Courts have consistently held that individual registration records in state registration databases are subject to the NVRA's Public Records Provision. *See, e.g., Project Vote/Voting for Am., Inc.*, 682 F.3d at 336 (Virginia); *Pub. Int. Legal Found., Inc. v. Bellows*, 92 F.4th 36, 47-48 (1st Cir. 2024) (Maine); *Greater Birmingham Ministries v. Secretary of State*, 105 F.4th 1324, 1330-31 (11th Cir. 2024) (Alabama); *Pub. Int. Legal Found., Inc. v. Matthews*, 589 F. Supp. 3d 932, 941-42 (C.D. Ill. 2022) (Illinois); ; *Voter Reference Found., LLC v. Torrez*, 727 F. Supp. 3d 1014, 1218-19 (D.N.M. 2024) (New Mexico); *Pub. Int. Legal Found. v. Chapman*, 595 F. Supp. 3d 296, 306 (M.D. Pa. 2022) (Pennsylvania), *overruled on other grounds by Pub. Int. Legal Found. v. Pennsylvania*, 136 F.4th 456 (3d Cir. 2025).

Therefore, we restate our amended request and ask the Indiana Election Division to produce the requested records.

**Amended Request 2:** Your response to our amended second request for "any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3," whereby we provided particularity regarding communications requested, stated:

We have not implemented IC 3-7-38.2-7.3, therefore, we have no responsive documents.

**Reply:** We understand your response to mean that your offices have not communicated with, instructed, advised, or provided guidance (or exchanged instructions, advisories, or other

guidance) in any capacity with any county officials at all regarding implementation of any aspect of I.C. 3-7-38.2-7.3. If this is not accurate, please provide the communications, instructions, advisories, or guidance that have been provided or exchanged. We emphasize that our request includes communications, instructions, advisories, or guidance that pre-date, and in any manner anticipate, the implementation of I.C. 3-7-38.2-7.3, including communications, instructions, advisories, or guidance regarding the proper procedures for implementing I.C. 3-7-38.2-7.3 and any election officials' actions that prematurely or improperly implemented that section.

For example, it is our understanding that the Indiana Election Division corresponded with at least the Lake County Board of Elections and Registration in October 2024 regarding the Lake County Board's potential improper and early attempts at implementing citizenship check provisions, before the effective date of I.C. 3-7-38.2-7.3. Accordingly, your office would have at least some responsive documents, which must be produced.

**Amended Request 3:** Your response to our amended third request for “any and all communications, instructions, advisories, or any other guidance provided or exchanged within the Indiana Election Division, Secretary of State’s Office, and the BMV, and/or between the Indiana Election Division, the Secretary of State’s Office, and/or the BMV regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3,” whereby we provided particularity regarding communications requested, stated:

IC 5-14-3-4(b)(6) provides that records are intra-agency or interagency advisory or deliberative material, including material developed by a private contractor under a contract with a public agency, that are expressions of opinion or are of a speculative nature, and that are not communicated for the purpose of decision making are not public record. We have not implemented IC 3-7-38.2-7.3, therefore we have no responsive documents.

**Reply:** To the extent that your response is that no communications, instructions, advisories, or guidance subject to our request have occurred at all, we emphasize that our request includes all such communications, instructions, advisories, and guidance that pre-date, and in any manner anticipate, the implementation of I.C. 3-7-38.2-7.3 beginning on July 1, 2025.

To the extent that your response is that communications, instructions, advisories, or guidance subject to our request have occurred but you are withholding disclosure pursuant to I.C. 5-14-3-4(b)(4)—*i.e.*, the deliberative material exception under Indiana’s Access to Public Records Act (“APRA”)—we reiterate that our records request is made pursuant to federal law under the NVRA Public Records Provision, not under the APRA. I.C. 5-14-3-4(a) and (b) prevent public agencies from discretionarily using APRA records exemptions, like the inter-agency advisory or deliberative material exception under I.C. 5-14-3-4(b)(6), when “access to the records is specifically required by a state or federal statute or is ordered by a court.” As stated above, the NVRA—which may supersede Indiana state law—requires states to disclose “all records” related to any effort by the state to ensure “the accuracy and currency” of voter registration lists. 52 U.S.C. § 20507(i)(1). Communications, instructions, advisories, and any other guidance provided to or exchanged within the Indiana Election Division, the Indiana Secretary of State’s Office, and the BMV and/or between the Indiana Election Division, the Secretary of State’s Office, and/or the



BMV fall squarely within the expansive interpretation of “all records.”

**Amended Request 4:** Your response to our amended fourth request for “all records regarding any practices or procedures identified, developed, or proposed by your offices or by other state, county, or local officials which currently are being implemented, or which will be implemented or may be implemented after I.C. 3-7-38.2-7.3 goes into effect, to determine or assess whether any registration records associated with a temporary credential issued by the BMV under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) are for individuals who are naturalized citizens,” stated:

The temporary credential information being shared by the BMV to the statewide voter registration does not indicate whether the individual became a naturalized citizen. The data being transmitted only indicates in a “yes” or “no” fashion whether the voter received a temporary credential under IC 9-24-11-5(c) or IC 9-24-16-3(f) at the time of their credential transaction with the BMV. Therefore, we have no responsive documents.

**Reply:** We understand your response to our request to mean that the Indiana Election Division and county election officials do not have any practices or procedures identified, developed, or proposed for determining or assessing whether registration records associated with temporary credentials belong to naturalized citizens. If this is an incorrect understanding, please produce records of the requested practices or procedures.

---

As we stated in both our initial and amended request, we expect that any charge for these records will be a “reasonable cost,” as required under the NVRA Public Records Provision. 52 U.S.C. § 20507(i)(1). Please inform us of the expected cost prior to delivery if it exceeds \$100.

We agree to maintain the confidentiality of individualized voter information and prevent any disclosure or distribution of individualized voter information to the general public. This information will be used by the undersigned organizations to assist these identified voters who are at risk of harm from the BMV Citizenship Crosscheck Provision (Section 17 of Indiana Public Law 65-2024, also known as 2024 HEA 1264).

If any responsive documents or communications are in your possession or in the possession of any employee of your offices on computers or other electronic devices, including personal devices, or in paper copy, please include copies of such documents and communications in your production. If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document. If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed.

If you believe any responsive records would be kept by other public bodies, please notify us of the same and forward this request to the appropriate personnel in those bodies.

We request that you send all records in electronic format via email or other electronic method, if possible, to the undersigned, directing communications to Ami Gandhi, Director of Midwest Voting Rights Program at Chicago Lawyers' Committee for Civil Rights by e-mail to [agandhi@clccrul.org](mailto:agandhi@clccrul.org). If this is not possible, we can confer about other ways to access these records.

Thank you for your time and consideration in responding to this request.

Sincerely,

Aneel Chablani  
Ami Gandhi  
Rachel Habliston  
Conner Kozisek  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 630-9744

Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

CC:

Jerold Bonnett, General Counsel, Office of the Indiana Secretary of State Diego Morales,  
[jbonnet@sos.IN.gov](mailto:jbonnet@sos.IN.gov)

Matthew Kestian, General Counsel, Indiana Bureau of Motor Vehicles, [mkestian1@bmv.in.gov](mailto:mkestian1@bmv.in.gov)

# Exhibit F

July 1, 2025

Secretary Diego Morales  
Office of the Indiana Secretary of State Diego Morales  
200 West Washington Street, Room 201  
Indianapolis, IN 46204  
*Via Certified Mail and Email to General Counsel Jerold Bonnet ([jbonnet@sos.IN.gov](mailto:jbonnet@sos.IN.gov))*

Co-Directors J. Bradley King and Angela M. Nussmeyer  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204  
*Via Certified Mail and Email ([bking@iec.IN.gov](mailto:bking@iec.IN.gov), [anussmeyer@iec.IN.gov](mailto:anussmeyer@iec.IN.gov), [mkochevar@iec.in.gov](mailto:mkochevar@iec.in.gov) & [vawarycha@iec.in.gov](mailto:vawarycha@iec.in.gov))*

**Re: Notice of Violations of National Voter Registration Act**

Dear Secretary Morales and Co-Directors King and Nussmeyer:

We write for several purposes on behalf of Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference, members of those organizations, and other individuals and organizations similarly situated. Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference are non-partisan organizations that advocate for the right of all eligible voters to freely participate in Indiana's elections and assist eligible voters in exercising their right to vote.

First, this letter provides notice pursuant to 52 U.S.C. § 20510(b) that the enforcement of two Indiana laws enacted in 2025 violates Sections 5, 6, 7, 8, and 9 of the National Voter Registration Act of 1993 ("NVRA"), 52 U.S.C. §§ 20504–20508. The 2025 laws are as follows:

- **Section 9 of Public Law 241-2025 (House Enrolled Act ("HEA") 1680's "New-Registrant Citizenship Crosscheck Requirement")**, codified at I.C. 3-7-26.3-37 (eff. July 1, 2025), requires that individuals who register to vote using a number from a temporary credential (i.e., a number from a temporary identification card or temporary driver's license) provide documentary proof of citizenship ("DPOC") to be registered.
- **Section 2 of Public Law 70-2025 (Senate Enrolled Act ("SEA") 10's "48-Hour Requirement")**, amending I.C. 3-7-26.3-11 (eff. July 1, 2025), requires Indiana's county voter registration offices to perform list maintenance within 48 hours of receiving information that a registered voter has not provided DPOC after being required to do so pursuant to I.C. 3-7-38.2-7.3.

Both laws unduly burden—and have the high potential to disenfranchise—Hoosier voters who are naturalized citizens. These laws solely impact naturalized citizens, who will now face being erroneously flagged as potential non-citizens based on outdated and inaccurate Bureau of Motor

Vehicles (“BMV”) records, which no U.S.-born citizen will ever be subject to. And, these laws do nothing to protect the integrity of Indiana’s elections—only U.S. citizens may vote in state and federal elections, and overwhelming evidence shows that non-citizens neither vote nor attempt to vote in Indiana.<sup>1</sup>

Second, this letter provides formal notice pursuant to 52 U.S.C. § 20510(b) that your failure to provide records requested in our prior April 2, 2025, letter (attached as Exhibit A) regarding the implementation of Section 17 of Indiana Public Law 65-2024 (2024 HEA 1264’s “Current-Voter Citizenship Crosscheck Requirement”<sup>2</sup>), codified at I.C. 3-7-38.2-7.3 (eff. July 1, 2025), violates NVRA Section 8(i), 52 U.S.C. § 20507(i).

Third, this letter requests additional records pursuant to Section 8(i) regarding the enforcement of the above-referenced 2025 laws. In the event that you decline to provide certain records—e.g., citing state law restrictions, as you have done with respect to the records requested in our April 2, 2025, letter—this letter advises you that a failure to provide these records (e.g., by citing such restrictions) violates NVRA Section 8(i).

Lastly, we write on behalf of Rev. Dr. Jonathan H. Reinink, a naturalized U.S. citizen registered to vote in Indiana. Our April 2, 2025, letter provided notice that the enforcement of the Current-Voter Citizenship Crosscheck Requirement violates NVRA Sections 5, 6, 7, 8, and 9. Rev. Dr. Reinink may be injured by the Current-Voter Citizenship Crosscheck Requirement. For the reasons set forth in the April 2, 2025, letter, Rev. Dr. Reinink also asserts that the Current-Voter Citizenship Crosscheck Requirement violates NVRA Sections 5, 6, 7, 8, and 9. He also joins Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference in asserting that SEA 10’s 48-Hour Requirement violates the NVRA.

## **Background and Overview**

HEA 1680’s New-Registrant Citizenship Crosscheck Requirement and SEA 10’s 48-Hour Requirement continue a trend of unnecessarily complicating Indiana’s voter laws in a manner that harms voters.

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<sup>1</sup> Elizabeth DePompei, *Voter fraud is rare. 2 Indiana cases demonstrate how unusual it is.*, Indianapolis Star (Oct. 6, 2020), <https://www.indystar.com/story/news/politics/elections/2020/10/06/voter-fraud-indiana-cases-show-rarityvoter-fraud/3586956001> (reporting that voter fraud is rare both nationally and in Indiana and that the Secretary of State’s office stated clearly that Indiana’s elections are safe and secure); Michael Waldman, *Noncitizen Voting Is Already Illegal—and Vanishingly Rare*, Brennan Ctr. (Apr. 17, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare> (stating that the “big rumor . . . that hordes of noncitizens are voting . . . [is] false. A lie. An urban myth.”); Alex Nowrasteh, *Noncitizens Don’t Illegally Vote in Detectable Numbers*, Cato Inst. (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-votedetectable-numbers> (finding that “there is no good evidence that noncitizens voted illegally in large enough numbers to actually shift the outcome of elections or even change the number of electoral votes.”).

<sup>2</sup> In our April 2, 2025, letter, Section 17 of Public Law 65-2024 (2024 HEA 1264) is referred to as the “BMV Citizenship Crosscheck Provision,” which applies only to people already registered to vote. With HEA 1680, Indiana has since enacted another citizenship crosscheck provision for new registrants. To distinguish the two requirements, 2024 HEA 1264’s provision is now referred to as the “Current-Voter Citizenship Crosscheck Requirement,” and 2025 HEA 1680’s provision is referred to as the “New-Registrant Citizenship Crosscheck Requirement.”

Last year, Indiana adopted HEA 1264's Current-Voter Citizenship Crosscheck Requirement. As discussed in the April 2, 2025, letter, the Current-Voter Citizenship Crosscheck Requirement mandates that officials compare the list of current registered voters and the BMV's records of individuals who have been issued a temporary credential (i.e., a temporary driver's license or identification card) to attempt to identify non-citizens who are registered to vote. The Current-Voter Citizenship Crosscheck Requirement then requires that voters who are flagged pursuant to this database matching provide DPOC to remain registered. This is highly problematic because the BMV records are not an up-to-date representation of who is a non-citizen and consequently will misidentify naturalized citizens as non-citizens. As explained in the April 2, 2025, letter, non-citizens can receive a temporary credential, naturalize as a U.S. citizen, and then keep their temporary credential until it expires, which could be months or even years after the individual becomes a citizen. Nothing requires a naturalized citizen to update their temporary credential until it expires. Thus, using the BMV's records of temporary credentials to attempt to "identify" non-citizens will require many naturalized citizens to take additional steps that U.S.-born citizens will never have to take in order to vote.

Despite being warned about the Current-Voter Citizenship Crosscheck Requirement, Indiana has enacted more laws to apply to new voter registrants and to change list maintenance timing. HEA 1680's New-Registrant Citizenship Crosscheck Requirement substantially replicates and extends HEA 1264's Current-Voter Citizenship Crosscheck Requirement. Pursuant to HEA 1680's New-Registrant Citizenship Crosscheck Requirement, county voter registration officials must send a notice requesting DPOC to each individual who applies to register to vote on or after July 1, 2025, and who uses a temporary credential number as part of the individual's registration application. An individual who receives this notice must provide DPOC to the county voter registration official within 30 days. If the individual does not provide DPOC within 30 days, the county voter registration official must reject the individual's voter registration.

Unlike HEA 1264's Current-Voter Citizenship Crosscheck Requirement, HEA 1680's New-Registrant Citizenship Crosscheck Requirement does not include an appeal procedure. Whereas current registered voters whose registration is canceled for not submitting DPOC may file an appeal to their county registration board, individuals whose new registration applications are denied have no such opportunity. Another difference is that HEA 1264's Current-Voter Citizenship Crosscheck Requirement specifies that citizenship documentation provided to local election officials by current registrants is confidential, but HEA 1680's New-Registrant Citizenship Crosscheck Requirement does not provide the same protection for citizenship documentation provided by registration applicants.

Additionally, under SEA 10's 48-Hour Requirement, county voter registration offices must perform voter registration list maintenance within 48 hours of receiving any information that requires voter list maintenance under Indiana law. As information received from HEA 1264's Current-Voter Citizenship Crosscheck Requirement triggers these new procedures, the 48-Hour Requirement exacerbates the Current-Voter Citizenship Crosscheck Requirement's harmful and unlawful effects because voters may be removed from the rolls within the NVRA's 90-day quiet period before a federal election and because voters may be precluded from employing the appeal procedure otherwise allowed by the Current-Voter Citizenship Crosscheck Requirement.



**I. NVRA Violations Noticed by Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference (and members of those organizations, and other individuals and organizations similarly situated)**

**A. HEA 1680’s New-Registrant Citizenship Crosscheck Requirement, codified at I.C. 3-7-26.3-37, Violates NVRA Section 6 Because It Fails to Comply with the Federal Form Requirement to Register Voters for Federal Elections, and It Violates NVRA Sections 5, 6, 7, and 9 Regarding Individuals Using the State Form to Register for Federal Elections**

Because the New-Registrant Citizenship Crosscheck Requirement uses the same BMV credentials check as the Current-Voter Citizenship Crosscheck Requirement and because it blocks voter registration for identified individuals who do not provide DPOC, the New-Registrant Citizenship Crosscheck Requirement—like the Current-Voter Citizenship Crosscheck Requirement—violates NVRA Sections 5, 6, 7, and 9.

As discussed in the April 2, 2025, letter, NVRA Section 6 prohibits Indiana from requiring individuals who register for federal elections using the National Mail Registration Form (“Federal Form”), and who then are identified using the BMV credentials checks, from having to provide DPOC. Section 6 requires states to “accept and use” the Federal Form to register voters for federal elections. 52 U.S.C. § 20505(a)(1). The Federal Form requires that voters attest to their U.S. citizenship, but it does not require that they provide DPOC. States are “preclude[d] . . . from requiring a Federal Form applicant to submit information beyond that required by the form itself.” *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 20 (2013).

As also discussed in the April 2, 2025, letter, NVRA Sections 5, 6, 7, and 9 prohibit Indiana from applying the BMV credentials check to, and then requiring DPOC from, persons who apply to register for federal elections using a state registration form (“State Form”). Pursuant to NVRA Sections 5, 6, and 9, the Indiana State Form for registering by mail for federal elections, and the Indiana State Form for registering when applying for or updating a driver’s license or state identification card, may only require “information . . . necessary . . . to assess the eligibility of the applicant.” 52 U.S.C. §§ 20504(c)(2)(B), 20508(b). The Indiana State Form includes a citizenship attestation, and thus, requiring DPOC from specific individuals who have already attested to their citizenship is redundant and violates the limit on only requiring “necessary” information. *See Mi Familia Vota v. Fontes*, 129 F.4th 691, 719 (9th Cir. 2025).

Section 7 of the NVRA requires that State Forms provided at public assistance agencies be “equivalent” to the Federal Form. 52 U.S.C. § 20506(a)(6)(A)(ii). Because the Federal Form does not require DPOC, individuals who register for federal elections at public assistance agencies cannot be required to subsequently provide DPOC to complete the registration process. *See Mi Familia Vota*, 129 F.4th at 720 (“[T]he state form is not equivalent to the federal form because the state form has unnecessary additional requirements of DPOC . . .”).

**B. HEA 1680's New-Registrant Citizenship Crosscheck Requirement, codified at I.C. 3-7-26.3-37, Violates NVRA Section 8 by Establishing Registration Procedures That Are Not Uniform and Are Discriminatory**

NVRA Section 8(b)(1) requires that voter registration procedures be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). The New-Registrant Citizenship Crosscheck Requirement violates NVRA Section 8(b) because it requires a comparison of voter rolls with BMV data that will erroneously flag only naturalized, and not U.S.-born, citizens as potential non-citizens, triggering the additional requirement to provide DPOC. April 2, 2025, letter, at 4.

The New-Registrant Citizenship Crosscheck Requirement also presents a separate violation of NVRA Section 8(b)'s uniformity and nondiscrimination requirement. Individuals registered to vote before July 1, 2025, who are flagged by the BMV credentials check will be able to appeal to their county elections board before their voter registration is canceled and are assured any DPOC provided will be kept confidential. After July 1, new voter registrants identified by the BMV credentials check will not be able to appeal to their county elections board and are not assured that any citizenship documentation they provide to their local election officials is kept confidential.

**C. SEA 10's 48-Hour Requirement, Amending I.C. 3-7-26.3-11, Raises Additional Concerns Regarding the Current-Voter Citizenship Crosscheck Requirement's Compliance with the NVRA**

In our April 2, 2025, letter, we warned that because the Current-Voter Citizenship Crosscheck Requirement does not include a deadline for completing the removal process, it risks violating NVRA Section 8(c)(2). 52 U.S.C. § 20507(c)(2)(A). Section 8(c)(2) requires that any systematic program of removal of registered voters from the voter rolls for federal elections be completed no later than 90 days before a primary or general election for federal office.

SEA 10's 48-Hour Requirement increases this risk because it adds a 48-hour deadline for implementing the Current-Voter Citizenship Crosscheck Requirement without regard to the 90-day requirement. If individuals are removed from the registration rolls for federal elections pursuant to a systematic implementation of the BMV credentials check later than 90 days before a primary or general election for federal office, Section 8(c)(2) will be violated.

In addition, to the extent that SEA 10's 48-Hour Requirement mandates that county election officials remove voters who did not provide DPOC within 30 days but are seeking to utilize the appeals process provided by HEA 1264, the 48-Hour Requirement may exacerbate the discriminatory impact of the Current-Voter Citizenship Crosscheck Requirement in violation of NVRA Section 8(b)(1).

**D. The Failure of the Indiana Election Division and Secretary of State to Provide Records Requested in Our April 2, 2025, Letter Violates the NVRA**

Our April 2, 2025, letter requested records regarding the enforcement of the Current-Voter Citizenship Crosscheck Requirement pursuant to NVRA Section 8(i), 52 U.S.C. § 20507(i). The

Indiana Election Division (“IED”) wrote back on April 4, 2025; we replied on May 20, 2025; IED wrote again on May 22, 2025; we replied on June 19, 2025; and IED wrote back most recently on June 24, 2025. The Secretary of State has not responded.

The bottom line of this exchange of letters is that Indiana is refusing to provide relevant and important records requested by the April 2, 2025, letter, including the registration records for all current registrants who IED believes have a BMV temporary credential and thus are subject to the Current-Voter Citizenship Crosscheck Requirement. The asserted basis for this refusal is that certain records are confidential or are not public records under state law and that the request does not satisfy state law requirements for requesting public records.

As we explained in our June 19, 2025, reply, the requested but not provided records are covered by the NVRA’s records provision, which requires Indiana to disclose, upon request, “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1). Furthermore, as made clear by the legal authority cited in that letter, this disclosure requirement supersedes and preempts any state law restrictions on disclosure.

Accordingly, the withholding of, and failure to provide, the requested records violates NVRA Section 8(i)(1).

## **II. NVRA Violations Noticed by Rev. Dr. Jonathan H. Reinink**

Rev. Dr. Reinink is an Indiana resident and a naturalized U.S. citizen who emigrated from Canada. Before becoming a U.S. citizen, he obtained a temporary Indiana driver’s license while he was lawfully present in the United States. After gaining U.S. citizenship, he registered to vote in Indiana. He also returned to the BMV to update information regarding his citizenship status.

However, if Indiana election officials construe the Current-Voter Citizenship Crosscheck Requirement to apply to all naturalized citizens who have ever been issued a temporary credential, including those who currently have a regular identification card or driver’s license, he is at risk of lingering on an outdated list, being flagged by the BMV credentials check, and then being required to provide DPOC. Imposing this requirement on Rev. Dr. Reinink would involve the same violations of NVRA Sections 5, 6, 7, 8, and 9 described in our April 2, 2025, letter (*see* Letter at 2–5). Furthermore, SEA 10’s 48-Hour Requirement increases the risk that he would be improperly flagged for a citizenship check within 90 days of a federal primary or general election, violating NVRA Section 8(c)(2), and may further contribute to a violation of NVRA Section 8(b)(1) by precluding any appeal of a registration cancellation.

**In light of Rev. Dr. Reinink’s situation, please advise whether the Current-Voter Citizenship Crosscheck Requirement, as well as the New-Registrant Citizenship Crosscheck Requirement, will only flag individuals whose current BMV credential is temporary or will flag individuals who now have a regular BMV credential but previously had a temporary credential.**

### III. Request for Records Regarding Enforcement of the 2025 Laws

#### A. Records Requested

Pursuant to NVRA Section 8(i)(1), we request copies of the following records regarding the enforcement of HEA 1680's New-Registrant Citizenship Crosscheck Requirement and SEA 10's 48-Hour Requirement.

1. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of HEA 1680's New-Registrant Citizenship Crosscheck Requirement, and regarding implementation of any aspect of SEA 10's 48-Hour Requirement or SEA 10 generally insofar as it amends the implementation of I.C. 3-7-38.2-7.3. We emphasize that our request includes communications, instructions, advisories, or guidance that pre-date, and in any manner anticipate, the implementation of the New-Registrant Citizenship Crosscheck Requirement and/or the 48-Hour Requirement, including communications, instructions, advisories, or guidance regarding the proper procedures for implementing these Requirements and any election officials' actions that prematurely or improperly implemented these Requirements.

Specifically, regarding the request for communications provided to or exchanged with county officials, please provide all communications from January 1, 2025, to present in the following lanes:

|        |                                                                                                                                               |
|--------|-----------------------------------------------------------------------------------------------------------------------------------------------|
| Lane 1 | Sender: Any official within the Indiana Election Division<br>Recipient: Any official within the Indiana Election Division                     |
| Lane 2 | Sender: Any official within the Indiana Election Division<br>Recipient: Any County Election Authorities                                       |
| Lane 3 | Sender: Any County Election Authorities<br>Recipient: Any official within the Indiana Election Division                                       |
| Lane 4 | Sender: Any official within the Indiana Secretary of State's Office<br>Recipient: Any official within the Indiana Secretary of State's Office |
| Lane 5 | Sender: Any official within the Indiana Secretary of State's Office<br>Recipient: Any County Election Authorities                             |
| Lane 6 | Sender: Any County Election Authorities<br>Recipient: Any official within the Indiana Secretary of State's Office                             |

2. Any and all communications, instructions, advisories, or any other guidance provided or exchanged since January 1, 2025, within and/or between the Indiana Election Division, Secretary of State's Office, and/or BMV regarding the development or implementation of any aspect of the New-Registrant Citizenship Crosscheck Requirement, and regarding the implementation of any aspect of SEA 10's 48-Hour Requirement or SEA 10 generally insofar

as it amends the implementation of I.C. 3-7-38.2-7.3. We emphasize that our request includes communications, instructions, advisories, or guidance that pre-date, and in any manner anticipate, the implementation of the New-Registrant Citizenship Crosscheck Requirement and/or the 48-Hour Requirement, including communications, instructions, advisories, or guidance regarding the proper procedures for implementing these Requirements.

Specifically, regarding the request for communications, please provide all communications from January 1, 2025, to present in the following lanes:

- |        |                                                                                                                                     |
|--------|-------------------------------------------------------------------------------------------------------------------------------------|
| Lane 1 | Sender: Any official within the Indiana Election Division<br>Recipient: Any official within the Indiana Election Division           |
| Lane 2 | Sender: Any official within the Secretary of State's Office<br>Recipient: Any official within the Secretary of State's Office       |
| Lane 3 | Sender: Any official within the BMV<br>Recipient: Any official within the BMV                                                       |
| Lane 4 | Sender: Any official within the Indiana Election Division<br>Recipient: Any official within the Indiana Secretary of State's Office |
| Lane 5 | Sender: Any official within the Indiana Election Division<br>Recipient: Any official within the BMV                                 |
| Lane 6 | Sender: Any official within the Indiana Secretary of State's Office<br>Recipient: Any official within the Indiana Election Division |
| Lane 7 | Sender: Any official within the Indiana Secretary of State's Office<br>Recipient: Any official within the BMV                       |
| Lane 8 | Sender: Any official within the BMV<br>Recipient: Any official within the Indiana Election Division                                 |
| Lane 9 | Sender: Any official within the BMV<br>Recipient: Any official within the Indiana Secretary of State's Office                       |
3. Any and all records regarding any steps taken or planned to be taken by your offices or by other state, county, or local officials to determine, before initiating the New-Registrant Citizenship Crosscheck provided by I.C. 3-7-26.3-37, whether registration applicants flagged by the BMV credentials check are, in fact, naturalized citizens.
4. Any and all records regarding any steps or processes to be undertaken by your offices, or required by your offices to be undertaken by county election officials, to determine whether an individual who is registered to vote and: (a) does not have a BMV credential and unsuccessfully applied for a temporary credential issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f); or (b) has

a regular BMV credential but previously had a temporary credential issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f).

We expect that any charge for these records will be a “reasonable cost,” as required under the NVRA’s Public Records Provision. 52 U.S.C. § 20507(i)(1). Please inform us of the expected cost before delivery if it exceeds \$100.

We agree to maintain the confidentiality of individualized voter information and prevent any disclosure or distribution of individualized voter information to the general public. This information will be used by the undersigned organizations to assist these identified voters who are at risk of harm from Indiana’s new election laws starting July 1, 2025.

If any responsive documents or communications are in your possession or in the possession of any employee of your offices on computers or other electronic devices, including personal devices, or in paper copy, please include copies of such documents and communications in your production.

If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document.

If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed.

If you believe any responsive records would be kept by other public bodies, please notify us of the same and forward this request to the appropriate personnel in those bodies.

We request that you send all records in electronic format via email or other electronic method, if possible, to the email addresses provided in the signatures. If this is not possible, we can confer about other ways to access these records.

## **B. Notice of NVRA Violation**

In the event that the Indiana Secretary of State’s office and IED refuses to provide relevant records covered by the new records request—e.g., asserting the same state law requirements and limitations IED has relied upon to withhold records requested by our April 2, 2025, letter—this withholding of records would violate NVRA Section 8(i)(1).

## **IV. Request for Correction of These NVRA Violations**

The Secretary of State of Indiana is the State’s Chief Elections Officer, I.C. 3-11-815(a)(14), and the Co-Directors of the IED are jointly designated as the chief state election official responsible for coordination of state responsibilities under the NVRA and I.C. 37-11-1. As such, the Secretary of State of Indiana and the Co-Directors of the IED are responsible for ensuring Indiana’s compliance with the NVRA. 52 U.S.C. § 20509.



This letter constitutes notice pursuant to 52 U.S.C. § 20510(b) of the NVRA violations discussed above. If the violations are not corrected within 90 days of your receipt of this notice letter, the undersigned may proceed with litigation and seek declaratory or injunctive relief to remedy the violation. 52 U.S.C. § 20510(b)(2) (“If the violation is not corrected within 90 days after receipt of the notice . . . the aggrieved person may bring a civil action . . .”).

Restrictions claiming to protect election integrity should be designed to address actual, substantive concerns and must conform with federal laws protecting voters’ rights. HEA 1680’s New-Registrant Citizenship Crosscheck Requirement, SEA 10’s 48-Hour Requirement, and HEA 1264’s Current-Voter Citizenship Crosscheck Requirement fail on both fronts.

We look forward to your response and ask that you direct all communications to Ami Gandhi, Director of Midwest Voting Rights Program at Chicago Lawyers’ Committee for Civil Rights, by e-mail to [agandhi@clccrul.org](mailto:agandhi@clccrul.org).

Sincerely,

Common Cause of Indiana  
P.O. Box 1603  
Indianapolis, IN 46206

League of Women Voters of Indiana  
1500 North Delaware Street  
Indianapolis, IN 46202

Hoosier Asian American Power  
334 North Senate Avenue  
Indianapolis, IN 46204

NAACP Indiana State Conference  
P.O. Box 6145  
Lafayette, IN 47903

Rev. Dr. Jonathan H. Reinink  
Indiana Voter

Aneel Chablani  
Ami Gandhi  
Conner Kozisek  
Rachel Habliston  
Chicago Lawyers’ Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 630-9744

Robert N. Weiner  
Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

cc:

Matthew Kestian, General Counsel  
Indiana Bureau of Motor Vehicles  
Indiana Government Center North  
100 North Senate Avenue, Room 403  
Indianapolis, IN 46204  
*Via Certified Mail and E-mail ([mkestian1@bmv.in.gov](mailto:mkestian1@bmv.in.gov))*

**Exhibit A:**  
**April 2, 2025, NVRA Letter**

April 2, 2025

Secretary Diego Morales  
Office of the Indiana Secretary of State Diego Morales  
200 West Washington Street, Room 201  
Indianapolis, IN 46204  
*Via Certified Mail and Email to General Counsel Jerold Bonnet ([jbbonnet@sos.IN.gov](mailto:jbbonnet@sos.IN.gov))*

Co-Directors J. Bradley King and Angela M. Nussmeyer  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204  
*Via Certified Mail and Email ([bjking@iec.IN.gov](mailto:bjking@iec.IN.gov) & [anussmeyer@iec.IN.gov](mailto:anussmeyer@iec.IN.gov))*

**Re: Notice of Violation of National Voter Registration Act**

Dear Secretary Morales and Co-Directors King and Nussmeyer:

We write on behalf of Common Cause Indiana, League of Women Voters of Indiana, Hoosier Asian American Power, and NAACP Indiana State Conference, members of those organizations, and other individuals and organizations similarly situated, regarding the application of Section 17 of Indiana Public Law 65-2024 (also known as 2024 HEA 1264, hereinafter “the Bureau of Motor Vehicles (“BMV”) Citizenship Crosscheck Provision” or “the Provision”), codified at I.C. 3-7-38.2-7.3. The undersigned include non-partisan organizations that advocate for the right of all eligible voters to freely participate in Indiana’s elections and include Indiana-based organizations serving and assisting eligible voters in exercising their right to vote. The BMV Citizenship Crosscheck Provision prescribes certain voter registration list maintenance procedures, which in effect require numerous voters to provide documentary proof of citizenship (“DPOC”). This letter serves as written notice pursuant to 52 U.S.C. § 20510(b) that the enforcement of the BMV Citizenship Crosscheck Provision violates Sections 5, 6, 7, 8, and 9 of the National Voter Registration Act of 1993 (“NVRA”), 52 U.S.C. §§ 20504–20508.

Only U.S. citizens may vote in state and federal elections, and the overwhelming evidence shows that non-citizens neither vote nor attempt to vote.<sup>1</sup> Every Indiana voter affirms their citizenship under penalty of perjury upon registering to vote. The BMV Citizenship Crosscheck Provision is one of several far-reaching, harmful, and unnecessary policies that Indiana has advanced or enacted in recent years to address unsubstantiated concerns of non-citizen voting. The

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<sup>1</sup> Elizabeth DePompei, *Voter fraud is rare. 2 Indiana cases demonstrate how unusual it is.*, Indianapolis Star (Oct. 6, 2020), <https://www.indystar.com/story/news/politics/elections/2020/10/06/voter-fraud-indiana-cases-show-rarity-voter-fraud/3586956001> (reporting that voter fraud is rare both nationally and in Indiana and that the Secretary of State’s office stated clearly that Indiana’s elections are safe and secure); Michael Waldman, *Noncitizen Voting Is Already Illegal—and Vanishingly Rare*, Brennan Ctr. (Apr. 17, 2024), <https://www.brennancenter.org/our-work/analysis-opinion/noncitizen-voting-already-illegal-and-vanishingly-rare> (stating that the “big rumor . . . that hordes of noncitizens are voting . . . [is] false. A lie. An urban myth.”); Alex Nowrasteh, *Noncitizens Don’t Illegally Vote in Detectable Numbers*, Cato Inst. (Nov. 25, 2020), <https://www.cato.org/blog/noncitizens-dont-illegally-vote-detectable-numbers> (finding that “there is no good evidence that noncitizens voted illegally in large enough numbers to actually shift the outcome of elections or even change the number of electoral votes.”).

BMV Citizenship Crosscheck Provision only complicates Indiana’s voting and voter registration processes to make both less accessible for Indiana voters by creating unnecessary hurdles that only naturalized citizens—and no U.S.-born citizens—have to endure to exercise their right to vote.

Beginning July 1, 2025, the BMV Citizenship Crosscheck Provision will require Indiana’s NVRA official to attempt to verify voter citizenship by comparing the statewide voter registration file with the Indiana Bureau of Motor Vehicles’ (the “BMV”) list of temporary credentials issued to individuals who were non-citizens at the time they obtained their credentials. If the BMV database identifies a registered voter as having had a temporary credential in the past, the NVRA official must notify county registrars, who then must send a notice to the voter requiring the voter to provide DPOC within 30 days. If the voter fails to respond and provide DPOC by the deadline, the registrar must cancel the voter’s voter registration.

It is our understanding that the BMV database is not an accurate and reliable record of which Indiana residents currently are non-citizens. This is because individuals who obtain driver’s licenses or state identification cards as non-citizens, and who subsequently become naturalized as United States citizens, are not required to notify the BMV when they gain citizenship because their previously-obtained driver’s licenses or identification cards remain valid until the expiration date, despite the change in the voter’s citizenship status. Accordingly, in many cases, the BMV will only be notified of an individual’s new citizenship when their license or identification card is renewed, which may occur years after naturalization. As a result, the process mandated by the BMV Citizenship Crosscheck Provision is likely to mis-identify numerous naturalized citizens as non-citizens and subject them to the additional requirement to provide DPOC or be removed from the voter rolls. This requirement is never imposed on U.S.-born citizens.

Congress enacted the NVRA to protect U.S. citizens from discriminatory and unfair registration laws and voter purge mechanisms, particularly those that have a “disparate impact” and negatively impact voter participation among historically marginalized groups. 52 U.S.C. §§ 20501(a)–(b); *see also Republican Nat’l Comm. v. N.C. State Bd. of Elections*, 120 F.4th 390, 407 (4th Cir. 2024) (“The NVRA’s legislative history confirms that Congress enacted the act . . . for the express purpose of combating racial discrimination.”). The BMV Citizenship Crosscheck Provision directly conflicts with this stated purpose of the NVRA because it will target eligible naturalized citizen voters for removal, who are disproportionately people of color.

**I. The BMV Citizenship Crosscheck Provision Violates NVRA Sections 5, 6, 7, 8, and 9**

**a. The BMV Citizenship Crosscheck Provision Violates NVRA Section 6 by Failing to Comply with the Federal Form Requirement to Register Voters for Federal Elections and Violates NVRA Sections 5, 6, 7, and 9 Regarding Individuals Using the State Form to Register for Federal Elections**

As you know, Indiana voters may register to vote using the National Mail Voter Registration Form (“Federal Form”) promulgated by the U.S. Election Assistance Commission

(“EAC”) pursuant to the NVRA.<sup>2</sup> Section 6 of the NVRA requires states to “accept and use” the Federal Form to register voters to vote in federal elections. 52 U.S.C. § 20505(a)(1). The Federal Form requires a voter attest to their U.S. citizenship, but the Federal Form does not require that they provide documentary proof thereof.<sup>3</sup> States are “preclude[d] . . . from requiring a Federal Form applicant to submit information beyond that required by the form itself.” *Arizona v. Inter Tribal Council of Ariz.*, 570 U.S. 1, 20 (2013).

The BMV Citizenship Crosscheck Provision violates Section 6 by imposing an additional requirement on a subset of Indiana registrants that is not required by the Federal Form. Although the BMV Citizenship Crosscheck Provision provides for a voter registration list maintenance procedure, it effectively functions as a requirement that certain registrants—those who BMV records identify as having at some point been a non-citizen, even if they have since become naturalized—provide DPOC or have their voter registration cancelled. By requiring such DPOC, the BMV Citizenship Crosscheck Provision clearly imposes requirements beyond those of the Federal Form.

The NVRA also limits what information states may require from individuals registering to vote in federal elections using a state form. Section 6 allows states to use a state form for individuals to register for federal elections by mail, 52 U.S.C. § 20505(a)(2), so long as the form complies with the requirements of Section 9(b), 52 U.S.C. § 20508(b). Under Section 9(b), a state mail registration form may only require “information . . . necessary to enable the appropriate State election official to assess the eligibility of the applicant and to administer voter registration and other parts of the election process.” Section 5(c)(2)(B) applies the same requirement to state registration forms used in conjunction with applications for driver’s licenses and identification cards. 52 U.S.C. § 20504(c)(2)(B). Section 7 requires that state forms provided at public assistance agencies be “equivalent” to the Federal Form. 52 U.S.C. § 20506(a)(6)(A)(ii).

In *Mi Familia Vota v. Fontes*, 129 F.4th 691, 719–20 (9th Cir. 2025), the Ninth Circuit recently held that state form registrants in Arizona may not be required to provide DPOC to vote in federal elections because that information exceeds the NVRA’s “necessary” limitation, since the Arizona state form mandates that applicants attest to their citizenship, which provides registrars with the requisite proof of citizenship. The Indiana state form also includes a citizenship attestation, and thus, requiring DPOC likewise violates the “necessary” limitation. The Ninth Circuit further held that Section 7 precludes Arizona from requiring that state form registrants at public assistance agencies provide DPOC because that is not consistent with the requirement that the state form be “equivalent” to the Federal Form. This analysis applies to registration at Indiana public assistance agencies as well.

In sum, the BMV Citizenship Crosscheck Provision effectively functions as a DPOC requirement and violates Sections 5, 6, 7, and 9 of the NVRA for voters who register using either the Federal Form or the Indiana state form.

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<sup>2</sup> *Voter Registration*, Indiana Secretary of State Diego Morales, <https://www.in.gov/sos/elections/voter-information/register-to-vote/>.

<sup>3</sup> *National Mail Voter Registration Form*, United States Election Assistance Commission, <https://www.eac.gov/voters/national-mail-voter-registration-form>.



**b. The BMV Citizenship Crosscheck Provision Violates NVRA Section 8(b) by Imposing Non-Uniform and Discriminatory List Maintenance Procedures**

The BMV Citizenship Crosscheck Provision also violates NVRA Section 8(b). Section 8(b) requires that list maintenance programs be “uniform” and “nondiscriminatory.” 52 U.S.C. § 20507(b)(1). A list maintenance program violates the NVRA’s uniform and nondiscriminatory requirements when the program is not applied in the same manner to all registered voters. *See, e.g., Ind. State Conf. of Nat’l Ass’n for Advancement of Colored People v. Lawson*, 326 F. Supp. 3d 646, 657–58 (S.D. Ind. 2018) (enjoining voter list maintenance law pertaining to the now dismantled Crosscheck system as non-uniform and discriminatory), *aff’d sub nom. on other grounds, Common Cause Ind. v. Lawson*, 937 F.3d 944 (7th Cir. 2019).

The BMV Citizenship Crosscheck Provision violates Section 8(b) by requiring a comparison of voter rolls with BMV data that would erroneously flag only naturalized, and not U.S.-born, citizens, as potential “noncitizens,” triggering the additional requirement to provide DPOC. Federal courts have looked unfavorably on other programs similar to the BMV Citizenship Crosscheck Provision, which target and disproportionately burden only naturalized citizens. *See Mi Familia Vota*, 129 F.4th at 714–15 (Arizona requirement that registrars crosscheck Federal Form registrants against a database maintained by the U.S. Citizenship and Immigration Services violated Section 8(b) because only naturalized citizens, not U.S. born citizens, were targeted); *United States v. Florida*, 870 F. Supp. 2d 1346, 1350 (N.D. Fla. 2012) (finding a Florida program nearly identical to the BMV Citizenship Crosscheck Provision likely violated Section 8(b) because the “methodology made it likely that the properly registered citizens who would be required to respond and provide [citizenship] documentation would be primarily newly naturalized citizens,” which “was likely to have a discriminatory impact on these new citizens”). For the same reasons, the BMV Citizenship Crosscheck Provision also violates the Different Practices Provision of the Civil Rights Act, which prohibits applying different standards, practices, or procedures for determining voter eligibility to different individuals. *Mi Familia Vota*, 129 F.4th at 723; *see* 52 U.S.C. § 10101(a)(2)(A).

In sum, the BMV Citizenship Crosscheck Provision prescribes a nonuniform and discriminatory list maintenance process that violates Section 8(b) of the NVRA.

**c. The BMV Citizenship Crosscheck Provision Risks Violating NVRA Section 8(c)(2) Because the Provision Provides No Deadline for Completing Its Systematic Program of Removal Before Federal Elections**

The BMV Citizenship Crosscheck Provision also risks violating NVRA Section 8(c)(2). Section 8(c)(2) requires that any systematic program of removal of registered voters from the voter rolls must be completed no later than 90 days before a primary or general election for federal office. 52 U.S.C. § 20507(c)(2)(A). In enacting the NVRA, Congress sought to ensure that eligible voters will not have their right to vote interfered with on the eve of an election by administrative error or discriminatory or unfair list maintenance procedures.

Yet the BMV Citizenship Crosscheck Provision provides no deadline for completing the removal process. The purpose of the 90-day deadline is to ensure that eligible voters “have enough time to rectify any errors” after being erroneously removed from the rolls in time to be able to vote

successfully in federal elections. *See Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1346 (11th Cir. 2014). While I.C. 3-7-38.2-2(a)(3) separately provides that list maintenance programs “must . . . be completed not later than ninety (90) days before a primary or general election,” there is nothing in the BMV Citizenship Crosscheck Provision that requires its systematic program of removal program to be fully completed 90 days before an election—which includes not only the comparison of the voter rolls to the BMV list of temporary credentials, and the notification of voters by county officials, but also the 30-day window for the voter to respond as well as the actual cancellation of the voter’s registration by the county. Under the BMV Citizenship Crosscheck Provision, if any voter identified through the systematic comparison of the voter rolls to the BMV list is removed from the rolls within the 90-day quiet period, that would be a violation of Section 8(c)(2) of the NVRA. Therefore, lacking any designated deadline for removal, the BMV Citizenship Crosscheck Provision contains no safeguards against and poses a significant risk of violating the 90-day requirement of the NVRA.

## **II. Request for Records**

The NVRA requires that Indiana, upon request, produce “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i)(1). Accordingly, we request copies of the following records:

1. Individualized voter information for all registered voters currently listed in the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f) as provided by I.C. 3-7-38.2-7.3(b);
2. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of I.C. 3-7-38.2-7.3;
3. Any and all communications, instructions, advisories, or any other guidance provided or exchanged within your offices regarding the development or implementation of any aspect of I.C. 3-7-38.2-7.3; and
4. All records regarding any steps taken by your offices or by other state, county, or local officials to determine, prior to initiating the removal process provided by I.C. 3-7-38.2-7.3, whether any of the registered voters listed in “the bureau of motor vehicles list of temporary credentials issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f)” are, in fact, naturalized citizens.

We expect that any charge for these records will be a “reasonable cost,” as required under the NVRA’s Public Disclosure Provision. 52 U.S.C. § 20507(i)(1). Please inform us of the expected cost prior to delivery if it exceeds \$100.

We agree to maintain the confidentiality of individualized voter information and prevent any disclosure or distribution of individualized voter information to the general public. This information will be used by the undersigned organizations to assist these identified voters who are at risk of harm from the BMV Citizenship Crosscheck Provision.

If any responsive documents or communications are in your possession or in the possession of any employee of your offices on computers or other electronic devices, including personal devices, or in paper copy, please include copies of such documents and communications in your production.

If any record or portion of a record responsive to this request is contained in a record or portion of a record deemed unresponsive to the request, we would like to inspect the entire (electronic) document.

If any records or portions of records are withheld, please state the exemption on which you rely, the basis on which the exemption is invoked, and the address to which an appeal should be addressed.

If you believe any responsive records would be kept by other public bodies, please notify us of the same and forward this request to the appropriate personnel in those bodies.

We request that you send all records in electronic format via email or other electronic method, if possible, to the email addresses provided in the signatures. If this is not possible, we can confer about other ways to access these records.

### **III. Request for Correction of These NVRA Violations**

The Secretary of State of Indiana is the State's Chief Elections Officer, I.C. 3-11-8-15(a)(14), and the Co-Directors of the Indiana Election Division are jointly designated the chief state election official responsible for coordination of state responsibilities under the NVRA, I.C. 3-7-11-1. As such, the Secretary of State of Indiana and the Co-Directors of the Indiana Election Division are responsible for ensuring Indiana's compliance with the NVRA. *See* 52 U.S.C. § 20509. This letter constitutes notice pursuant to 52 U.S.C. § 20510(b) that your enforcement of the BMV Citizenship Crosscheck Provision will violate 52 U.S.C. §§ 20505(a)(1) and 20507(b)(1). If the violations identified above are not corrected within 90 days of your receipt of this notice letter, the undersigned may proceed with litigation and seek declaratory or injunctive relief to remedy the violation. *See* 52 U.S.C. § 20510(b)(2) ("If the violation is not corrected within 90 days after receipt of the notice . . . the aggrieved person may bring a civil action . . .").

Measures purporting to protect the integrity of elections should be designed to address actual, substantive concerns and must conform with laws protecting voters' rights. The BMV Citizenship Crosscheck Provision fails on both fronts. We look forward to your response and ask that you direct all communications to Ami Gandhi, Director of Midwest Voting Rights Program at Chicago Lawyers' Committee for Civil Rights by e-mail to [agandhi@clccrul.org](mailto:agandhi@clccrul.org).

Sincerely,

Common Cause Indiana  
P.O. Box 1603  
Indianapolis, IN 46206

League of Women Voters of Indiana  
1500 North Delaware Street

Indianapolis, IN 46202

Hoosier Asian American Power  
334 North Senate Avenue  
Indianapolis, IN 46204

NAACP Indiana State Conference  
P.O. Box 47903  
Lafayette, IN 47903

Aneel Chablani  
Ami Gandhi  
Rachel Habliston  
Conner Kozisek  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600  
Chicago, IL 60602  
(312) 630-9744

Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

cc:

Matthew Kestian, General Counsel  
Indiana Bureau of Motor Vehicles  
Indiana Government Center North  
100 North Senate Avenue, Room 403  
Indianapolis, IN 46204  
*Via Certified Mail and E-mail (mkestian1@bmv.in.gov)*

# Exhibit G



**STATE OF INDIANA**  
**Indiana Election Division**

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, Indiana 46204-2767  
Phone: (317) 232-3939  
Fax: (317) 233-6793

June 24, 2025

Ami Gandhi  
Director of Strategic Initiatives and Midwest Voting Rights Program  
Chicago Lawyers' Committee for Civil Rights,  
100 N. LaSalle St., Ste. 600  
Chicago, IL 60602  
[agandhi@clccrul.org](mailto:agandhi@clccrul.org)

Dear Ms. Gandhi,

This letter is a response to your letter received on June 19, 2025, following up to our response to your records request.

**Reply to Amended Request 1:** IC 3-11-4-2.2(b) is clear that the information identifying an individual that has a temporary credential that is provided by the BMV to Indiana Election Division and the Secretary of State under this section is confidential. Your request asks for that information. Please see the highlighted part of the statute below.

**IC 3-11-4-2.2 Providing identification numbers and temporary credential information; updating voter registration record; confidentiality**

Sec. 2.2. (a) Each day the bureau of motor vehicles shall provide to the secretary of state and the election division:

- (1) driver's license numbers;
- (2) identification card numbers; and
- (3) the last four (4) digits of a Social Security number;

for the purpose of matching these numbers to voter registration records in the statewide voter registration system. The secretary of state and the election division shall provide this information to each county voter registration office through a module of the computerized list.

(b) At the time it provides the information under subsection (a), the bureau of motor vehicles shall inform the secretary of state and the election division whether an individual identified by one (1) of the numbers listed in subsection (a)(1) through (a)(3) is associated with a temporary credential issued under IC 9-24-11-5(c) or IC 9-24-16-3(f). The secretary of state and the election division shall provide this information to each county voter registration office through a module of the computerized list. **Information provided under this subsection shall be kept confidential.**

(c) If the bureau of motor vehicles provides a driver's license number, an identification card number, or the last four (4) digits of a Social Security number under subsection (a) that is not a part of the voter's registration record, the county voter registration office shall update the voter's registration record to include this information.



(d) Information provided under subsection (a) shall be kept confidential and may only be used for the purposes described in subsection (a). A county voter registration office is only required to redact the confidential information in responding to a public records request under IC 5-14-3.

**Reply to Amended Request 2:** The Indiana Election Division has completed its 2025 legislative summary of election related enrolled acts from the 2025 legislative session and given presentations to Indiana circuit court clerks at their conference on June 17, 2025. You can find copies of the legislative summary and each co-directors presentation here:

2025 Legislative Summary - <https://www.in.gov/sos/elections/files/2025-Indiana-Election-Legislation-Summary.FINAL.pdf>

Co-Director's presentations - <https://www.in.gov/sos/elections/files/2025-Summer-CCC-Conference.pptx> and <https://www.in.gov/sos/elections/files/SBOA-Summer-Meeting-2025-Angie.pptx>

If you wish to request individual email communications, before the Indiana Election Division reviews its records for materials responsive to your requests, we ask that you provide more particular information about the records you are requesting. According to the Indiana Public Access Counselor, requests must be reasonably particular, a requirement of the Access to Public Records Act, namely, IC 5-14-3-3. When submitting a public records request for communications, the Indiana Public Access Counselor has opined that requests must identify the following four items:

1. Name sender;
2. Named recipient;
3. Time frame of six (6) months or less; and
4. Particularized subject matter or set of search terms.

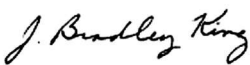
*Lewbel v. City of Carmel*, 18-FC-63, Opinion of the Public Access Counselor.

For your request, please identify a named recipient, and restate your request to a time frame of 6 months or less.

**Reply to Amended Request 3:** We maintain the exception under the Access to Public Records Act, IC 5-14-3-4(b)(6), noted in our last response applies to this request. We find no binding court precedence from either the 7<sup>th</sup> Circuit Court of Appeals or from either of Indiana's two district courts that says Section 8(i) of NVRA preempts state public access laws and exceptions.

**Reply to Amended Request 4:** We continue to have no responsive documents.

Sincerely,



J. Bradley King  
Co-Director



Angela M. Nussmeyer  
Co-Director

# Exhibit H



**STATE OF INDIANA**  
**Indiana Election Division**

J. Bradley King, Co-Director  
Angela M. Nussmeyer, Co-Director

Indiana Election Division  
302 West Washington Street, Room E204  
Indianapolis, Indiana 46204-2767  
Phone: (317) 232-3939  
Fax: (317) 233-6793

July 8, 2025

Ami Gandhi  
Director of Strategic Initiatives and Midwest Voting Rights Program  
Chicago Lawyers' Committee for Civil Rights,  
100 N. LaSalle St., Ste. 600  
Chicago, IL 60602  
[agandhi@clccrul.org](mailto:agandhi@clccrul.org)

Dear Ms. Gandhi:

This letter is a response to your request for access to public records, which was received by the Indiana Election Division on July 1, 2025. You requested, “copies of the following records regarding the enforcement of HEA 1680’s New-Registrant Citizenship Crosscheck Requirement and SEA 10’s 48-Hour Requirement.

1. Any and all communications, instructions, advisories, or any other guidance provided to or exchanged with county officials regarding implementation of any aspect of HEA 1680’s New-Registrant Citizenship Crosscheck Requirement, and regarding implementation of any aspect of SEA 10’s 48-Hour Requirement or SEA 10 generally insofar as it amends the implementation of I.C. 3-7-38.2-7.3. We emphasize that our request includes communications, instructions, advisories, or guidance that pre-date, and in any manner anticipate, the implementation of the New-Registrant Citizenship Crosscheck Requirement and/or the 48-Hour Requirement, including communications, instructions, advisories, or guidance regarding the proper procedures for implementing these Requirements and any election officials’ actions that prematurely or improperly implemented these Requirements.

Specifically, regarding the request for communications provided to or exchanged with county officials, please provide all communications from January 1, 2025, to present in the following lanes:

Lane 1            Sender: Any official within the Indiana Election Division  
                     Recipient: Any official within the Indiana Election Division

Lane 2            Sender: Any official within the Indiana Election Division

Recipient: Any County Election Authorities

- Lane 3      Sender: Any County Election Authorities  
Recipient: Any official within the Indiana Election Division
- Lane 4      Sender: Any official within the Indiana Secretary of State's Office  
Recipient: Any official within the Indiana Secretary of State's Office
- Lane 5      Sender: Any official within the Indiana Secretary of State's Office  
Recipient: Any County Election Authorities
- Lane 6      Sender: Any County Election Authorities  
Recipient: Any official within the Indiana Secretary of State's Office"

Response: The Indiana Election Division is reviewing your request for responsive records. For lanes 3-6, the Indiana Secretary of State's office and county election authorities are separate entities. Any records request for their records will need to be directed to those offices.

2. "Any and all communications, instructions, advisories, or any other guidance provided or exchanged since January 1, 2025, within and/or between the Indiana Election Division, Secretary of State's Office, and/or BMV regarding the development or implementation of any aspect of the New-Registrant Citizenship Crosscheck Requirement, and regarding the implementation of any aspect of SEA 10's 48-Hour Requirement or SEA 10 generally insofar as it amends the implementation of I.C. 3-7-38.2-7.3. We emphasize that our request includes communications, instructions, advisories, or guidance that pre-date, and in any manner anticipate, the implementation of the New-Registrant Citizenship Crosscheck Requirement and/or the 48-Hour Requirement, including communications, instructions, advisories, or guidance regarding the proper procedures for implementing these Requirements.

Specifically, regarding the request for communications, please provide all communications from January 1, 2025, to present in the following lanes:

- Lane 1      Sender: Any official within the Indiana Election Division  
Recipient: Any official within the Indiana Election Division
- Lane 2      Sender: Any official within the Secretary of State's Office  
Recipient: Any official within the Secretary of State's Office
- Lane 3      Sender: Any official within the BMV  
Recipient: Any official within the BMV
- Lane 4      Sender: Any official within the Indiana Election Division  
Recipient: Any official within the Indiana Secretary of State's Office

- Lane 5            Sender: Any official within the Indiana Election Division  
                     Recipient: Any official within the BMV
- Lane 6            Sender: Any official within the Indiana Secretary of State's Office  
                     Recipient: Any official within the Indiana Election Division
- Lane 7            Sender: Any official within the Indiana Secretary of State's Office  
                     Recipient: Any official within the BMV
- Lane 8            Sender: Any official within the BMV  
                     Recipient: Any official within the Indiana Election Division
- Lane 9            Sender: Any official within the BMV  
                     Recipient: Any official within the Indiana Secretary of State's Office"

Response: The Indiana Election Division is reviewing your request for responsive records. For lanes 2, 3, 6, 7, 8, and 9, the Indiana Secretary of State's office and the BMV are separate entities. Any records request for their records will need to be directed to those offices.

3. "Any and all records regarding any steps taken or planned to be taken by your offices or by other state, county, or local officials to determine, before initiating the New-Registrant Citizenship Crosscheck provided by I.C. 3-7-26.3-37, whether registration applicants flagged by the BMV credentials check are, in fact, naturalized citizens."

Response: The Indiana Election Division does not have any records responsive to this request.

4. "Any and all records regarding any steps or processes to be undertaken by your offices, or required by your offices to be undertaken by county election officials, to determine whether an individual who is registered to vote and: (a) does not have a BMV credential and unsuccessfully applied for a temporary credential issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f); or (b) has a regular BMV credential but previously had a temporary credential issued under I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f)."

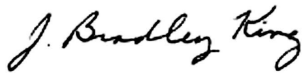
Response: The Indiana Election Division is reviewing your request for responsive records.

In addition to your records request, you asked, "In light of Rev. Dr. Reinink's situation, please advise whether the Current-Voter Citizenship Crosscheck Requirement, as well as the New-Registrant Citizenship Crosscheck Requirement, will only flag individuals whose current BMV credential is temporary or will flag individuals who now have a regular BMV credential but previously had a temporary credential."

Response: The one-time citizenship check was based off temporary credential status, as determined by the BMV during the voter's most recent credential transaction, as July 1, 2025.

Beginning July 1, 2025, when processing voter registration applications for new or existing applicants, a voter who provides their Indiana credential number (that is, driver's license, state ID card, or learner's permit) will have the credential number validated against temporary credential information provided by the BMV. The temporary credential information is reflective of the most recent credential transaction between the individual and the BMV.

Sincerely,

A handwritten signature in cursive script that reads "J. Bradley King".

J. Bradley King  
Co-Director

A handwritten signature in cursive script that reads "Angela M. Nussmeyer".

Angela M. Nussmeyer  
Co-Director



# Exhibit I

August 15, 2025

Secretary Diego Morales  
Office of the Indiana Secretary of State Diego Morales  
200 West Washington Street, Room 201  
Indianapolis, IN 46204  
*Via Email to General Counsel Jerold Bonnet ([jbonnet@sos.in.gov](mailto:jbonnet@sos.in.gov))*

Co-Directors J. Bradley King and Angela M. Nussmeyer  
Indiana Election Division  
302 West Washington Street, Room E-204  
Indianapolis, IN 46204  
*Via Email ([bking@iec.in.gov](mailto:bking@iec.in.gov); [anussmeyer@iec.in.gov](mailto:anussmeyer@iec.in.gov); [mkochevar@iec.in.gov](mailto:mkochevar@iec.in.gov); [vawarycha@iec.in.gov](mailto:vawarycha@iec.in.gov))*

**Re: Indiana Secretary of State's Office and Indiana Election Division's Failure to Produce Requested Records in Violation of the NVRA**

Dear Secretary Morales and Co-Directors King and Nussmeyer:

We write to follow up with you concerning our records requests related to Indiana's implementation of House Enrolled Act ("HEA") 1264's Current-Voter Citizenship Crosscheck Requirement (codified at I.C. 3-7-38.2-7.3), HEA 1680's New-Registrant Citizenship Crosscheck Requirement (codified at I.C. 3-7-26.3-37), and Senate Enrolled Act ("SEA") 10's 48-Hour Requirement (amending I.C. 3-7-26.3-11). Our previous records requests were set forth in our April 2, 2025, letter and July 1, 2025, letter. The Indiana Secretary of State's Office ("IN SOS") and Election Division ("IED") have failed to produce all requested public records, violating the National Voter Registration Act's ("NVRA") Public Records Provision, 52 U.S.C. § 20507(i)(1).

We have not received any requested records or responses from the Indiana Secretary of State ("IN SOS") to our records requests (part of the April 2, 2025, and July 1, 2025, letters). Although the Indiana Election Division ("IED") has responded with some records, both the IN SOS and IED are withholding records, thereby failing to comply with our complete request. The failure to provide these records violates Section 8(i)(1) of the National Voter Registration Act ("NVRA"), 52 U.S.C. 20507(i)(1), as we previously noticed in our July 1, 2025, letter.

**A. Failure to Provide Voter Registration Records**

Key records that we have requested include the voter registration records for all registered voters who have been identified as having been issued a temporary credential pursuant to I.C. 9-24-11-5(c) or I.C. 9-24-16-3(f). This includes those registered before July 1, 2025, the day the Current-Voter Citizenship Crosscheck Requirement became effective, and those who successfully registered on or after July 1, 2025 (see Request 1 in our April 2, 2025, letter); with regard to both groups of voters, the request encompasses those who continue to be registered to vote and any individuals whose registration has been canceled pursuant to Indiana's implementation of the Current-Voter Citizenship Crosscheck Requirement. IED previously responded that these records do not exist. However, it is our understanding that the IN SOS now has identified thousands of

registrants who have a temporary credential. IED also has claimed that these records are confidential under state law, but, as we previously have explained, the NVRA supersedes and preempts any such state law restriction.

### **B. Failure to Provide Records Related to DHS-USCIS MOA**

Furthermore, it appears that the IN SOS has not provided records with regard to the recent Memorandum of Agreement (“MOA”) between the IN SOS and the Department of Homeland Security, U.S. Citizenship and Immigration Services (“DHS-USCIS”) regarding access to Systemic Alien Verification for Entitlements (SAVE) data, which in turn will apparently be used in implementing both of the Citizenship Crosscheck Requirements.<sup>1</sup> Although the MOA has already been made public, any records related to its negotiation (both internal and external) or implementation, and any guidance generated internally to or from the IN SOS and/or provided to the IED and/or county officials concerning the MOA should be produced. These records clearly fall within the Requests 2 and 3 in our April 2, 2025, letter and Requests 1 and 2 in our July 1, 2025, letter because the state of Indiana has indicated that it will use SAVE data for implementation of the two Crosscheck Requirements. Records related to the MOA negotiations are also responsive to the amended requests in our May 20, 2025, letter (Requests 2, 3, and 4) and include, but are not limited to, any and all records related to:

- 1) The process for “additional verification” for voters as provided in Subsection B(1) of the MOA;
- 2) Training and guidance provided to IN SOS and IED staff assigned to implement all aspects of all processes related to the use of SAVE for voter eligibility verification, including any staff designated as “User Agency SAVE system users” under the MOA;
- 3) Training and guidance provided to any non-IN SOS and non-IED staff who may be authorized to use SAVE for voter eligibility verification, either directly by themselves or indirectly through the IN SOS;
- 4) Compliance with the provision in Subsection B(1)(j) of the MOA regarding applicable privacy law;
- 5) Compliance with the provision in Subsection B(1)(k) of the MOA requiring the use of SAVE to comply with federal law prohibiting the discriminatory use of SAVE; and

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<sup>1</sup> See Press Release, Ind. Sec’y of State, *Indiana Secretary of State Diego Morales Signs Agreement with Department of Homeland Security to Identify Noncitizens on Indiana Voter Rolls* (July 7, 2025), <https://events.in.gov/event/indiana-secretary-of-state-diego-morales-signs-agreement-with-department-of-homeland-security-to-identify-noncitizens-on-indiana-voter-rolls> (“The SAVE program allows election officials to cross-reference voter registration information with federal immigration data, providing an additional safeguard against noncitizen voting and maintaining the accuracy of the state’s voter rolls. Individuals on the voter rolls whose citizenship cannot be confirmed by BMV, will be notified by mail and have an opportunity to confirm their citizenship status. The citizenship verification process outlined in House Enrolled Act 1264 (2024) and is directed at temporary ID holders who registered to vote.”).

- 6) Compliance with the provision in Subsection B(1)(o) of the MOA requiring the provision of due process to voters whose rights are affected by the use of SAVE data, including, but not limited to, voters whose registration applications are denied under the New-Registrant Citizenship Crosscheck Provision due to the use of SAVE.

**C. Failure to Provide Additional Requested Records**

Additional materials are within the scope of our requests previously made in connection with the challenged provisions of the Current-Voter Citizenship Crosscheck Requirement, New-Registrant Citizenship Crosscheck Requirement, and the 48-Hour Requirement, which have not yet been provided. This includes, but is not limited to, any administrative guidance on processes regarding individuals who currently (not formerly) have a temporary driver's license or identification card; additional training or administrative guidance provided by IED or the IN SOS to county election officials on changes to the State Voter Registration System or other databases used by county officials; and additional training or administrative guidance regarding right of appeal for denied voter registration applicants.

Please produce these records, and all other requested records, promptly.

We look forward to your responses and ask that you direct all communications to Ami Gandhi, Director of Midwest Voting Rights Program at Chicago Lawyers' Committee for Civil Rights, by email to [agandhi@clccrul.org](mailto:agandhi@clccrul.org).

Sincerely,

Common Cause of Indiana  
P.O. Box 1603  
Indianapolis, IN 46206

League of Women Voters of Indiana  
1500 North Delaware Street  
Indianapolis, IN 46202

Hoosier Asian American Power  
334 North Senate Avenue  
Indianapolis, IN 46204

NAACP Indiana State Conference  
P.O. Box 6145  
Lafayette, IN 47903

Rev. Dr. Jonathan H. Reinink  
Indiana Voter

Aneel Chablani  
Ami Gandhi  
Conner Kozisek

Rachel Habliston  
Chicago Lawyers' Committee for Civil Rights  
100 North LaSalle Street, Suite 600\*  
Chicago, IL 60602  
(312) 630-9744

\*As of August 21, 2025, Chicago Lawyers' Committee's new address will be 25 East Washington Street, Suite 1300, Chicago, IL 60602.

Robert N. Weiner  
Ryan Snow  
Javon Davis  
Grace Thomas  
Samantha Heyward  
Lawyers' Committee for Civil Rights Under Law  
1500 K Street, NW, Suite 900  
Washington, DC 20005  
(202) 662-8600

William R. Groth  
Daniel Bowman  
Bowman & Vlink, LLC  
911 East 86th Street, Suite 201-M  
Indianapolis, IN 46240

cc:

Matthew Kestian, General Counsel  
Indiana Bureau of Motor Vehicles  
*Via Email* ([mkestian1@bmv.in.gov](mailto:mkestian1@bmv.in.gov))

Beth Boyce, Chair  
Indiana Election Commission  
*Via Email* ([elections@iec.in.gov](mailto:elections@iec.in.gov))