

INDIANA COURT OF APPEALS

APPELLATE CASE NO. 49A02-0901-CV-00040

LEAGUE OF WOMEN VOTERS)	Marion County Superior Court
OF INDIANA, INC. and)	Civil Division-02
LEAGUE OF WOMEN VOTERS)	
OF INDIANAPOLIS, INC.)	
)	
Appellants)	
)	Trial Court
vs.)	Cause No. 49D02-0806-PL-027627
)	
TODD ROKITA, in his official)	The Honorable S. K. Reid
capacity as Indiana Secretary of State))
)	
Appellee)	

PLAINTIFF’S SECOND STATEMENT OF ADDITIONAL AUTHORITIES

Come now Appellants, the League of Woman Voters of Indiana, Inc. and the League of Woman Voters of Indianapolis, Inc. (both hereinafter referenced as the “League”), by counsel, and hereby advise this Court as follows:

1. On July 17, 2009, the League filed a Statement of Additional Authorities (“Statement”), specifically citing to rule 140 IAC 7-1.1-3 (“Regulations”) which was to take effect on January 1, 2010 and govern the process for securing an Indiana driver’s license or identification card.

2. On July 22, 2009, the Indiana Bureau of Motor Vehicles (“BMV”) recalled the Regulations,¹ according to the response to the Statement filed on August 14, 2009 by

¹ This recall was not announced to the public at-large and was unknown to the League until receiving Secretary Rokita’s Response to the League’s Statement of Additional Authorities.

the appellee, Todd Rokita,

3. However, on August 12, 2009 Governor Mitch Daniels announced that the Regulations will still apply to those receiving Indiana driver's licenses and identification cards for the first time. http://www.in.gov/gov/gov_newsroom.htm (News Release of August 12, 2009) (last visited Aug. 20, 2009). Persons receiving Indiana driver's licenses and identification cards would include not only first time drivers but persons becoming new residents of the state. It is unclear as to whether women who marry and adopt their husband's names would be considered first-time issued driver's licenses or identifications under the women's new names.

4. Governor Daniels also told Hoosiers that these same requirements will be applied to all others wishing to receive a "federally compliant" Indiana driver's license or identification card. *Id.* This is apparently a reference to the requirements of the federal Real ID Act, whose requirements do not take effect until 2016.

5. Despite the alleged recall of the regulations by the BMV, the website of the BMV continues to announce that the regulations will be taking effect on January 1, 2010. *See*, <http://www.in.gov/bmv/> (last visited Aug. 20, 2009).

6. It thus appears that while the proposed regulations have been recalled, Governor Daniels and the BMV intend for the Regulations to be in effect as of January 1, 2010 for all those receiving Indiana driver's licenses and identification cards for the first time and upon those who are seeking to renew their licenses or identification cards and who wish to have a "federally compliant" form of identification. Among these voters,

complying with the regulations will still be necessary if these voters wish to cast a ballot in person and counted in the final tallies under the Indiana Photo ID Law.

Respectfully submitted,

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I certify that on August ____, 2009, a copy of the foregoing Second Statement of Additional Authorities was mailed to the Honorable Christopher F. Zoeller, Indiana Attorney General, Thomas M. Fisher, Indiana Solicitor General and Heather L. Hagan, Office of Indiana Solicitor General, Indiana Government Center South, Fifth Floor, 302 W. Washington St., Indianapolis, IN 46204-2270.

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