

## Eimer Stahl Challenges Indiana Law that Prohibits Voters from Asking State Courts to Extend Polling-Place Hours

July 8, 2020

Eimer Stahl LLP, along with attorneys from the Chicago Lawyers' Committee for Civil Rights and the national Lawyers' Committee for Civil Rights Under Law, filed a federal lawsuit in Indianapolis earlier today on behalf of Common Cause Indiana that challenges the constitutionality of certain provisions of the Indiana Election Code. In 2019, as part of a package of election law reforms, Indiana law was amended to strip voters of the ability to petition a state court to extend polling-place hours on Election Day at locations where voters experience disenfranchisement. Instead, an Indiana voter must convince the very county board running the election to unanimously agree to file an action seeking an extension; any such extension must be secured by 6:00 p.m. to have any effect. Relatedly, the 2019 amendments also limited state courts' authority to grant extensions only to circumstances where a polling place is physically closed, which eliminates any possibility of state-court relief for disenfranchising conditions at polling places like malfunctioning equipment, an insufficient number of ballots, or long wait times that do not require a voting site to close its doors. Separately and together, these provisions violate the First and Fourteenth Amendments to the U.S. Constitution, as well as the Constitution's Supremacy Clause. While the challenged laws violate the constitutional rights of all Indiana voters, they are especially burdensome on voters of color, who experience longer lines and more frequent voter disruptions than white voters. Eimer Stahl has asked the court to preliminarily enjoin the operation of these statutes before the November 2020 election, which is likely to be dogged by additional election administration problems arising from important measures to slow the spread of COVID-19.

Greg Schweizer is the lead Eimer Stahl attorney representing Common Cause Indiana. Eimer Stahl attorneys Brent Austin and Sarah Kinter are also assisting on the matter. For more information please visit the Chicago Lawyers' Committee for Civil Rights website as well as their coverage of the filing.

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