

## Proposed Notice to Class

**To: Public assistance applicants and recipients (Indiana Division of Family Resources)**

In July 2009, a lawsuit was filed alleging that the State of Indiana was not complying with the federal National Voter Registration Act. Specifically, the lawsuit alleged that state officials were failing to offer voter registration to public assistance clients (when they apply, recertify or renew, or submit a change of address for their benefits). Plaintiff is the Indiana State Conference of the NAACP. Defendants include the Secretary of the Indiana Family and Social Services Administration (FSSA), the Director of FSSA's Division of Family Resources (DFR), the Co-Directors of the Indiana Election Division, and the members of the Indiana Election Commission. *Indiana State Conference of the NAACP v. Gargano*, case number 1:09-cv-0849-TWP-DML, U.S. District Court for the Southern District of Indiana.

The Court has ordered that the case proceed as a class action. The class is defined as:

All residents of the State of Indiana who have applied for public assistance through FSSA/DFR, or who have requested recertification or renewal or submitted a change of address relating to public assistance through FSSA/DFR, and who claim that they were not offered the opportunity to register to vote in that transaction or claim that they were not offered assistance in completing a voter registration application, in accordance with 42 U.S.C. § 1973gg-5.

The lawsuit asks for an injunction, which is an order requiring that the defendants comply with the law. No money damages are being sought.

This notice is being provided to inform class members that the parties to the lawsuit have reached a proposed settlement, and to allow class members to comment on the settlement. The Court will consider any comments from class members before deciding whether the proposed settlement is fair, reasonable, and adequate. The Court will hold a hearing on the proposed settlement on \_\_\_\_\_, 2011, at \_\_\_ a.m./p.m., in the United States District Court located at 46 East Ohio Street in Indianapolis.

The proposed settlement agreement between the parties establishes specific procedures for the distribution of voter registration forms to FSSA/DFR public assistance clients. The agreement also requires that FSSA/DFR personnel be provided voter registration training, and establishes procedures for monitoring compliance with the agreement. Finally, the agreement provides that Defendants will pay \$350,479.77 in reasonable attorneys' fees and costs.

If you would like to comment on the proposed settlement, please mail, e-mail, or telephone your comments at the earliest opportunity, using the addresses and phone number below. Plaintiff's counsel will provide a summary of all comments received to the Court. In addition, if you so desire, counsel also will send a copy of your written comment to the Court (if you want this to be done, please include the following "I authorize Plaintiff's counsel to give the Court a copy of this comment, with my name").

Mark A. Posner, one of the Counsel for Plaintiff  
1401 New York Avenue, NW, Suite 400, Washington, DC 20005  
mposner@lawyerscommittee.org; (202) 662-8389