

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
NEW ALBANY DIVISION

INDIANA PROTECTION AND ADVOCACY)
SERVICES COMMISSION,)
PATRICIA FEATHERSTON, on her own behalf)
and on behalf of a class and sub-class of those)
similarly situated,)

Plaintiffs,)

v.)

No. 4:16-cv-29-SEB-DML

INDIANA SECRETARY OF STATE, in her)
official capacity, *et al.*,)

Defendants.)

Stipulation to Dismissal of Action

The parties, by their counsel, stipulate that:

1. This action challenges the constitutionality of Indiana Code § 3-5-5-17.
2. Pursuant to Indiana standards for determining residency set forth in Indiana Code § 3-5-5, including the rebuttable presumption established by Indiana Code § 3-5-5-6, Indiana Code § 3-5-5-17 does not preclude a person who is adjudged mentally ill and committed to an institution for individuals with a mental illness from gaining residency in the precinct in which the institution is located.
3. Such a person may present facts and conduct to rebut the presumption that he or she is not a resident of the precinct in which the institution is located.
4. Alternatively, such a person may choose to register to vote in the precinct where he or she resided prior to his or her commitment.

5. A person previously registered to vote in the precinct where the institution is located may continue to be registered to vote in that precinct pursuant to the Voter Registration Act of 1993, 42 U.S.C. § 1973gg *et seq.*

6. The Indiana Secretary of State shall serve a copy of this stipulation of dismissal upon the Indiana clerks to inform them of the above interpretation of Indiana Code § 3-5-5-17.

7. This action should be dismissed, without prejudice, with the parties to pay their own costs and attorneys' fees.

WHEREFORE, the parties file their Stipulation to Dismissal.

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Members of the Indiana Election Commission, State
of Indiana:

s/Rebecca Brelage (w/permission)

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