

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

*Denied
Susan J. Dlott
11/1/04*

MARIAN SPENCER, et al.

Plaintiff,

-v-

J. KENNETH BLACKWELL, et al.

Defendant.

) Case No. 1:04-cv-00738

) (Judge Dlott)

) **MOTION OF INTERVENING**
) **DEFENDANTS FOR STAY PENDING**
) **APPEAL**
)

Intervening Defendants, Charles H. Winburn, Sam Malone and Clara Pugh ("Intervenors") hereby move this Court for a stay pending appeal. In support of this motion, Intervenors state as follows:

1. Ohio has a carefully crafted system to prevent election day fraud and to ensure that every citizen's right to vote is fully protected.
2. The system allows the use of witnesses and challengers by political parties to ensure transparency in the process and to ensure that all sides have equal confidence in the results.
3. In reliance upon this statutory construct, both political parties as well as independent groups, have arranged for challengers and witnesses to be present in polling places on November 2, 2004.
4. Removing challengers at this late juncture would only sow more confusion, increase the likelihood of fraud, and undermine confidence in the electoral process.