STATE OF INDIANA	)	IN THE MARION COUNTY SUPERIOR COURT
	)SS:	
COUNTY OF MARION	)	CAUSE NO: 49D02-0806-PL-027627

LEAGUE OF WOMEN VOTERS OF INDIANA, INC.,	)
Plaintiff,	)
-vs-	)
TODD ROKITA, in his official capacity as Indiana Secretary of State,	)
Defendant.	)

FILED

JUN 23 2008

JUDGE MARION COUNTY SUPERIOR COURT 2

MOTION FOR CHANGE OF JUDGE

Comes now the League of Women Voters of Indiana ("LWVIN"), by counsel, and respectfully requests that pursuant to Ind. Trial Rules 76 and 79 and Marion County Local Rules LR49-TR79-226 and LR49-TR79-223, there be a change of judge and a special judge appointed. In support of this motion, LWVIN states as follows:

1. Pursuant to Ind. T.R. 76(B), the LWVIN respectfully requests a change of judge.

2. Pursuant to LR49-TR79-223, this Court is to provide a panel of judges from which the parties are to strike.

3. This matter involves the question of whether the Indiana Photo ID law is constitutional under the Indiana Constitution.

4. Depending upon the outcome of this litigation, the Indiana Photo ID law may be applied in the November 2008 election and could impact the outcome of races in

the election. For example, the House of Representatives race between Jon Elrod and Ed Mahern was won by only seven votes.

5. Although the candidates for Marion County Superior and Circuit Courts will be listed on the ballot, they effectively have no opposition; however, each of the sitting judges who is a judicial candidate is a candidate slated and nominated by a political party.

6. All currently seated judges of the Marion Superior and Circuit Courts were candidates nominated by the two major political parties.

7. The major political parties have taken different positions regarding the Indiana Photo ID law.

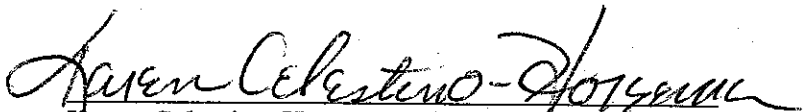
8. Ind. T.R. 79(H)(3) provides that this Court can request that the Indiana Supreme Court appoint a special judge upon "certification to the Supreme Court of Indiana of cases in which no judge is eligible to serve as special judge or the particular circumstance of a case warrants selection of a special judge by the Indiana Supreme Court."

9. As no currently seated Marion County judge is eligible to serve as special judge and as this particular case raises political issues, the circumstances of this case require certification to the Indiana Supreme Court for the appointment of a special judge.

10. Alternatively, in the event that this Court declines to certify this matter to the Indiana Supreme Court, no seated judge who is a candidate on behalf of a political party should be included on the panel submitted by this Court to the parties.

WHEREFORE, the League of Women Voters of Indiana respectfully request a change of judge and that this Court certify this matter to the Indiana Supreme Court for the appointment of a special judge or, alternatively, that the panel of judges from which the parties are to select be comprised of Marion County Judges who will not be on the ballot in November 2008.

Respectfully submitted,



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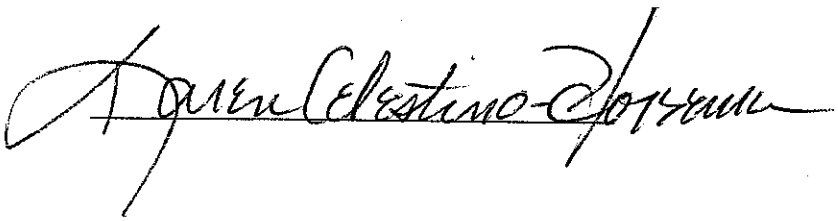
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing has been served this 23rd day of June, 2008 by first class mail, postage prepaid, upon:

Hon. Todd Rokita
Indiana Secretary of State
201 State House
Indianapolis, IN 46204