

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA DEMOCRATIC PARTY,)
et al.,)

Plaintiffs,)

v.)

TODD ROKITA, et al.,)

Defendants,)

No. 1:05-CV-00634 SEB-VSS

WILLIAM CRAWFORD, et al.,)

Plaintiffs,)

v.)

MARION COUNTY ELECTION BOARD,)

Defendant,)

and)

STATE OF INDIANA,)

Intervenor.)

**Motion by Plaintiffs William Crawford, United Senior Action of Indiana,
Indianapolis Resource Center for Independent Living, Concerned Clergy of
Indianapolis, Indianapolis Branch of the NAACP, Indiana Coalition of Housing and
Homeless Issues, Joseph Simpson to Raise Additional Legal Argument**

Come now plaintiffs William Crawford, United Senior Action of Indiana,
Indianapolis Resource Center for Independent Living, Concerned Clergy of Indianapolis,

Indianapolis Branch of the NAACP, Indiana Coalition of Housing and Homeless Issues and Joseph Simpson, and state that:

1. In their Complaint in this cause they claimed, among other things, that the challenged law violates Art. 2, § 1 of the Indiana Constitution.
2. In preparing their summary judgment motion and memorandum of law, it became clear that the challenged law also violates Art. 2, § 2 of the Indiana Constitution.
3. Plaintiffs have therefore included this additional legal argument in their memorandum of law supporting their summary judgment motion that they have filed today.
4. Although this claim was not included in their Complaint, allowing it to be raised at this time will in no way prejudice defendant Marion County Election Board or Intervenor-Defendant State of Indiana inasmuch as it is purely a legal claim and relies on no different facts than the other legal claims raised by plaintiffs in their Complaint and summary judgment materials.
5. Accordingly, plaintiffs would request permission to raise the additional legal argument.
6. Counsel has contacted counsel for both the Marion County Election Board and the State of Indiana and counsel do not agree that plaintiffs may raise this additional legal argument.

WHEREFORE, plaintiffs request that they be allowed to raise the additional legal claim in their summary judgment request that Senate Enrolled Act 483 violates Art. 2, § 2 of the Indiana Constitution, and for all other proper relief.

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CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October 2005, a copy of the foregoing was filed electronically with the Clerk of this Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and the parties may access this filing through the Court's system.

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