

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

OHIO REPUBLICAN PARTY, et al.)	
)	
Plaintiffs,)	
)	Case No. 2:08-cv-913
v.)	
)	Judge Smith
JENNIFER BRUNNER,)	
Secretary of State of Ohio)	Magistrate Judge King
)	
Defendant.)	

**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BREIF IN OPPOSITION TO
PLAINTIFFS’ APPLICATION FOR A TEMPORARY RESTRAINING ORDER**

Amici curiae American Civil Liberties Union of Ohio (ACLU of Ohio), Project Vote, Northeast Ohio Coalition for the Homeless (NEOCH), 1Matters, Daniel George, and Sherie Penix hereby move this Court for an order permitting the filing of an *amicus* brief in opposition to Plaintiffs’ motion for a temporary restraining order.

Amici believe that their brief will address issues that may not be addressed by other parties and therefore assist this Court in its determination of Plaintiffs’ motion.

The American Civil Liberties Union of Ohio Foundation, Inc. (ACLU of Ohio) is a non-profit, nonpartisan organization dedicated to defending the principles of liberty and equality embodied in the Constitution and this nation’s civil rights laws. As part of that commitment, the ACLU of Ohio has been active in defending the equal right of all citizens to participate in the electoral process. The ACLU of Ohio has nearly 30,000 supporters and members statewide. The ACLU of Ohio has sought to protect the voting rights of citizens in Ohio and has provided

representation to plaintiffs in numerous voting cases involving electoral processes, including several cases on behalf of Ohio voters, namely *Stewart v. Blackwell*, 5:02-cv-02028 (N.D. Ohio); *Boustani v. Blackwell*, 1:06-cv-02065 (N.D. Ohio); *ACLU of Ohio v. Brunner*, 1:08-cv-00145 (N.D. Ohio); and *ACLU v. Taft*, 02-00766 (S.D. Ohio).

Project Vote is a non-partisan, non-profit 501(c)(3) organization incorporated in Louisiana, with headquarters in Washington, D.C, and an Ohio office located at 23556 Marion Rd. North Olmsted, Ohio 44114. The mission of Project Vote is to strengthen American democracy by ensuring broad participation in the country's civic life. It does this by trying to facilitate the registration and participation of as many eligible American voters as possible. In particular, it seeks to promote political involvement by minority and low-income voters, whose voices we believe are marginalized in the current political process. Among other programs to enhance participation in American democracy, it conducts a Voter Participation Program, as part of which to assist as many eligible Americans to register and to vote as possible. Project Vote has litigated issues affecting voter participation in Ohio including *Project Vote v. Blackwell*, U.S. District Court, N.D. Ohio (*Case 1:06-cv-01628-KMO*).

The Northeast Ohio Coalition for the Homeless (NEOCH) is a non-profit, non-partisan membership organization located in Cleveland, Ohio and serving the needs of the local homeless community. NEOCH provides services to approximately 20,000 homeless people each year. NEOCH's mission is to organize and empower homeless and at risk men, women and children to break the cycle of poverty through public education, advocacy and the creation of nurturing environments. One of NEOCH's goals is to work to assure that all homeless people are registered to vote, and reduce barriers to registering and homeless people actually voting. NEOCH has administered non-partisan voter registration and get out the vote efforts among

homeless people since its founding in 1989. In furtherance of its mission and goals, NEOCH plans to run shuttles to the Boards of Elections during the time period of September 30, 2008 through October 6, 2008, in order to help homeless individuals to register and vote absentee. NEOCH expects to serve approximately 2,000 homeless voters, including but not limited to its members, by this service.

1Matters is a non-profit volunteer member organization that serves the homeless community in Lucas County, Ohio. 1Matters has approximately 300 members. One of the primary roles of 1Matters is advocacy, working on building the capacity of the homeless to not only have a seat at the table, but to have a voice at that table. A major initiative to that end is 1Votes - assisting with voter registration, verifying and updating registration, requesting absentee ballots, providing transportation to take advantage of early voting, and providing volunteers to accompany voters overcome barriers. 1Matters plans to assist area homeless voters register or re-register up until the October 6 deadline, and plans to assist with early voting from September 30 up until the November 4, 2008 election. 1Matters expects to bring at least 500 homeless individuals and volunteers to vote early this year.

Amici Project Vote, NEOCH, 1Matters, Daniel George and Sherie Penix are plaintiffs in the case *Project Vote, et al. v. Madison County, et al.* (N.D. Ohio Case No. 08-cv-2266) that is currently pending in the U.S. District Court for the Northern District of Ohio concerning the same issues presented for litigation in the instant case.

For the reasons explained above, *Amici* respectfully ask this Court to grant their motion for leave to file the *amicus* brief filed herewith.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing service on this 29th day of September, 2008.

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