



Court for an order permitting the filing of an *amicus* brief addressing the Civil Rights Act of 1964, 42 U.S.C. § 1971, which prohibits the rejection of ballots based on errors or omissions which are not material to the voters' qualifications.

*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 ACLU of Ohio is one of the 53 affiliates of the American Civil Liberties Union Foundation, Inc. (ACLU), a nationwide, non-profit, nonpartisan organization with nearly 550,000 members 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 and its affiliates, including the ACLU of Ohio, have been active in defending the equal right of all citizens to participate in the electoral process. The ACLU has operated a Voting Rights Project since 1966. The ACLU of Ohio has nearly 30,000 supporters and members statewide. Through the Voting Rights Project, the ACLU of Ohio, and other ACLU offices nationwide, the ACLU has sought to protect the voting rights of citizens in Ohio and elsewhere and has provided representation to plaintiffs in literally hundreds of voting cases involving electoral processes, throughout the country, including Ohio. The attorneys for the Voting Rights Project of the ACLU have represented voters, candidates and political parties in courts within the areas covered by each of the Circuits of the United States Courts of Appeals. Together, the Voting Rights Project of the ACLU and the ACLU of Ohio have litigated several cases on behalf of Ohio voters, namely *Stewart v. Blackwell*, 5:02-cv-02028 (N.D. Ohio); *Boustani v. Blackwell*, 1:06-cv-2065 (N.D. Ohio); *ACLU of Ohio v. Brunner*, 1:08-cv-00145 (N.D. Ohio); and *ACLU v. Taft*.

*Amici* are concerned that Plaintiffs' (Relators') claims represent yet another last-ditch effort to persuade a federal court to overturn a state official's interpretation of applicable election

law, in a manner that would cast doubt on the validity of thousands of ballots cast on November 4, 2008. If their claims were to be accepted, it would undermine Amici's efforts to ensure the rights of all qualified voters to participate in the electoral process.

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

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 18th day of November, 2008.

/s/Meredith Bell-Platts  
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