

Court for an order permitting the filing of an *amicus* brief in opposition to Plaintiffs' (Relators') 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 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') motion for a temporary restraining order represents 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 motion were to be granted, 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 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 18th day of November, 2008.

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