

NO. 08-4585

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IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

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State of Ohio ex rel., Dana Skaggs, et al.,

Relators-Appellants,

v.

Jennifer L. Brunner, Secretary of the State of Ohio, et al.,

Defendants-Appellees.

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On Appeal from the United States District Court  
for the Southern District of Ohio, Eastern Division

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**MOTION FOR LEAVE TO FILE *AMICUS CURIAE* BRIEF BY  
AMERICAN CIVIL LIBERTIES UNION OF OHIO AND AMERICAN  
CIVIL LIBERTES UNION VOTING RIGHTS PROJECT**

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*Amici curiae* American Civil Liberties Union of Ohio (ACLU of Ohio) and American Civil Liberties Union Voting Rights Project (ACLU Voting Rights Project) hereby move this Court for an order permitting the filing of an *amicus* brief in support of Defendants-Appellees. *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 the case.

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 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*, 460 F. Supp. 2d 822 (N.D. Ohio 2006); *ACLU of Ohio v. Brunner*, 1:08-cv-00145 (N.D. Ohio 2008); *Project Vote et al. v. Madison County Board of Elections*, 1:08-cv-02266 (N.D. Ohio 2008); and *ACLU v. Taft*. 02-00766 (S.D. Ohio).

*Amici* are concerned that a reversal of the district court's order would cause the improper rejection of the ballots of hundreds of qualified voters based on an omission that is immaterial to the voters' qualifications. For these reasons, *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**

I hereby certify that on November 24, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will send notification of such filing to the counsel of record in this matter.

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