

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO

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CLERK-ALBUQUERQUE

THE AMERICAN CIVIL LIBERTIES
UNION OF NEW MEXICO; THE
LEAGUE OF WOMEN VOTERS OF ALBUQUERQUE/
BERNALILLO COUNTY, INC., SAGE COUNCIL;
NEW MEXICO COALITION TO END HOMELESSNESS;
ANNE KASS, ALEXANDRA KAZARAS
and BARBARA GROTHUS,

Plaintiffs,

v.

No CV 05-1136 MCA/WDS

MILLIE U. SANTILLANES, ALBUQUERQUE
CITY CLERK,

Defendant.

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendant, by and through her undersigned attorney, and pursuant to Fed.R.Civ.Pro. 56, submits her motion for summary judgment. Summary judgment should be granted dismissing plaintiffs' complaint in its entirety because there are no disputed issues of material fact. In support of this motion, defendant states:

1. Plaintiffs lack standing to pursue their claims.
2. Plaintiffs' Constitutional Challenges to the Voter ID

Law should be rejected because the Voter ID Law does not regulate the manner of electing public officials or impose substantive voting requirements.

3. There is no evidence of discrimination against any class of voters.
4. Imposition of the Voter ID Law does not violate the provisions of the

First or Fourteenth Amendments of the United States Constitution.

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5. There are no genuine issues of material fact preventing entry of summary judgment as a matter of law.

6. Defendant is also moving for summary judgment on Counts III, IV and V of the Complaint concerning 42 USC Section 1971 and 1973, but has deleted the argument concerning those Counts from its memorandum in support of this motion because Plaintiffs have filed their Unopposed Motion for Voluntary Dismissal of Counts III, IV and V, dkt. no. 62. However, at the time of filing this motion, the Court had not approved the order granting the dismissal of those counts.

7. Defendant's memorandum and attached exhibits in support of this motion is submitted contemporaneously herewith.

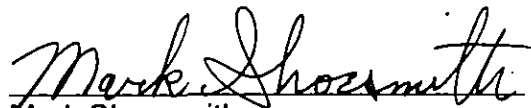
8. Seeking consent of opposing counsel to the granting of this motion is not required under the local rules.

WHEREFORE defendant respectfully requests that the court grant the following relief pursuant to this motion:

- A. Grant the motion.
- B. Dismiss plaintiffs' complaint in its entirety.
- C. Grant such other and further relief as the court deems just and proper.

Respectfully submitted,

CITY OF ALBUQUERQUE
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I hereby certify that true copy
of the foregoing was mailed to the following:

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On this 13th day of September 2006



Mark Shoosmith
Assistant City Attorney