

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

FILED  
U.S. DISTRICT COURT  
DISTRICT OF NEW MEXICO

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,

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CLERK-ALBUQUERQUE

Plaintiffs,

v.

No. CV 05-1136 MCA/WDS

MILLIE U. SANTILLANES, ALBUQUERQUE  
CITY CLERK,

Defendant.

**MEMORANDUM IN SUPPORT OF PLAINTIFFS' MOTION FOR SUMMARY  
JUDGMENT WITH TABLES OF CONTENTS AND AUTHORITIES**

Plaintiffs move for summary judgment on Counts I and VI of their Second Amended Complaint for Declaratory and Injunctive Relief. For the reasons stated below, the photographic identification requirement adopted by the City of Albuquerque for persons who vote in person on election day, but not for absentee voters, violates the Fourteenth Amendment Equal Protection Clause and the First Amendment of the United States Constitution, and must be declared invalid and its enforcement enjoined.

Plaintiffs request that the Court set this matter and Defendant's expected cross-motion for summary judgment for oral argument. The constitutional issues raised herein concern the most profound political right enjoyed by Americans, the right to vote. The arguments raised in the cross-motions for summary judgment in many respects are complex and of first impression in this District and the Tenth Circuit, and Plaintiffs believe the Court's deliberations will benefit from oral argument.

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**THE EXHIBITS ATTACHED TO THIS  
PLEADING ARE TOO VOLUMINOUS  
TO SCAN.. SAID EXHIBITS ARE  
ATTACHED TO THE ORIGINAL  
PLEADING IN THE CASE FILE WHICH  
IS LOCATED IN :**

**THE RECORDS DEPARTMENT  
CLERK'S OFFICE  
U.S. DISTRICT COURT.....**