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JAMES BONINI
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IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO

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U.S. DISTRICT COURT
SOUTHERN DIST. OHIO
EAST. DIV. COLUMBUS

The Ohio Democratic Party,
Plaintiff,

Case No. C2 04 – 1055

v.

Judge Marbley

Magistrate Judge Kemp

J. Kenneth Blackwell, et al.
Defendants.

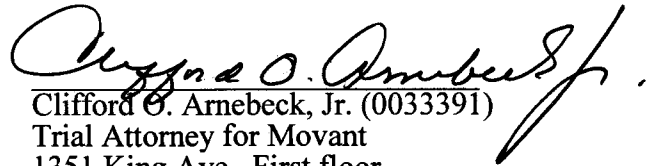
EMERGENCY MOTION OF
THE ALLIANCE FOR DEMOCRACY TO INTERVENE AS A PLAINTIFF

Pursuant to Civil Rule of 24 the Alliance for Democracy (“Alliance”) moves to intervene as plaintiffs in the above captioned action.

This is an emergency because the voting rights violations which this court found in Franklin and Knox Counties were but a small part of a statewide conspiracy to distort and miscount the Ohio vote in the presidential race for the purpose of reelecting President George W. Bush (“Bush”). Unless the controversy in this matter can be promptly adjudicated, the inauguration of Bush to a second term as president will take place on January 20, 2005, on the basis of an alleged fraud which has not been adjudicated. In the face of allegations of fraud in the Ohio election Defendant Kenneth Blackwell (“Blackwell”), in his capacities as Ohio Secretary of State and Co-Chair of the Bush-Cheney Ohio Reelection Campaign has refused to testify under oath and, by his stonewalling has implicitly admitted to the alleged fraud. Defendants Blackwell and the Ohio Republican Party are relying upon the inability and/or unwillingness to grant emergency relief and the accelerated schedule provided by Title 3 of the

US Code for Congressional deliberation of election contests to enable them to complete the theft of the election before it can be independently investigated and adjudicated.

Respectfully submitted,



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MEMORANDUM IN SUPPORT OF MOTION

Movant Alliance has a compelling interest in the matter which is the subject of this action. The protection of democratic institutions, one of the most important of which is the right to vote, is the core purpose of the Alliance. The initial complaint filed by the Ohio Democratic Party, as well as the temporary injunctive relief granted by this court, sought to alleviate the extraordinarily long lines and delays being faced by voters within the City of Columbus and by voters in the precinct serving Kenyon College in Knox County. Since shortly after the election the Alliance has been involved in organizing, fund-raising and staffing the legal challenge to the Ohio presidential election on the basis of both the civil rights violations which were the subject of this original complaint and the manipulation of the counting of votes. Some members of the Alliance were individual Contestors in the Election Contest before the Ohio Supreme Court. Fraudulent manipulation of elections has been a major focus of the work of the Alliance in the ten years of its existence owing in part to the fact that its founder, Ronnie Dugger, wrote the seminal magazine article in the New Yorker Magazine in 1988 on the vulnerability of electronic voting machines to manipulation. The Alliance has been involved for the past four years in

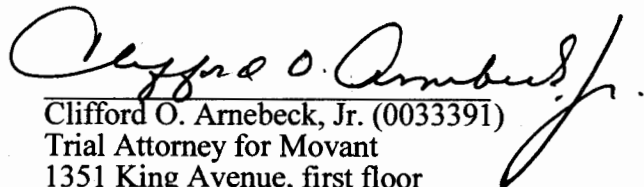
litigation in both federal and state court over the illegal use of corporate funding and expenditures to influence the outcome of a Ohio Supreme Court election campaigns.

In its funding and staffing of the legal challenge in the Ohio Supreme Court of the election results, the Alliance was attempting to address on a larger scale the problem which this court courageously and aggressively addressed on election day. Because the Ohio Supreme Court did not apply any discipline to the process of considering allegations of fraud brought by citizens in their capacity as voters, unless the federal court promptly adjudicates the unprecedented level of fraud in the Ohio presidential election those who perpetrated the fraud will be able to enjoy the fruits of victory rather than the just consequences of criminal conduct.

The Ohio Democratic Party appears, by its motion to dismiss its claims against the Franklin County Board of Elections, to have lost interest in further pursuit of this complaint. Intervenor Ohio Republican Party and defendant Blackwell appear to be seeking to nullify the importance of this court's injunction as an important precedent for protecting voting rights and according equal protection of law for all Ohio citizens. Thus, there is no other party in this action that appears willing to aggressively represent the interest of the Alliance in protecting the democratic values at issue in this preceding.

Wherefore, inasmuch as this motion meets the requirements of Rule 24, movant requests that its motion to intervene be granted without delay.


Respectfully submitted,



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CERTIFICATE OF SERVICE

A copy of the foregoing was served by facsimile to the offices of William M. Todd, attorney for intervenor Ohio Republican Party, 1300 Huntington Center, 41 South High Street, Columbus, Ohio 43215 – 6101; Kathleen M. Trafford, attorney for the Ohio Democratic Party, 41 South High Street, Suite 2800, Columbus OH 43215 – 6194; Richard N. Coglianese, Assistant Ohio Attorney General, 30 East Broad Street, 17th floor, Columbus, Ohio 43215 attorney for Ohio Secretary of State Kenneth Blackwell and Peter J. Piccininni, Assistant Prosecuting Attorney, Franklin County, Ohio, 373 South High Street, 13th floor, Columbus, Ohio 43215 – 6318, attorney for the Franklin County Board of Elections.


Clifford O. Arnebeck, Jr.