

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

PROJECT VOTE, <i>et al.</i> ,	)	Case No. 1:08-CV-2266
	)	
Plaintiffs,	)	Hon. James S. Gwin
	)	
vs.	)	
	)	Date: September 29, 2008
MADISON COUNTY BOARD OF	)	Time: 12:30 p.m.
ELECTIONS, <i>et al.</i> ,	)	Place: Courtroom 18A
	)	
Defendants.	)	

**MOTION FOR LEAVE TO FILE *AMICUS* BRIEF IN SUPPORT OF APPLICATION  
FOR TEMPORARY RESTRAINING ORDER**

*Amici curiae* the Ohio American Federation of Labor-Congress of Industrial Organizations (“Ohio AFL-CIO”) and District 1199, Health Care and Social Service Union, Service Employees International Union (“District 1199”) hereby move this Court for an order allowing the filing of an *amicus* brief in support of Plaintiffs’ application for a temporary restraining order.

*Amici* believe that their brief will aid the Court in its determination of Plaintiffs’ pending application, by discussing issues not addressed in Plaintiffs’ opening memorandum, including the practices of other states with respect to voting absentee on the same day as registering to vote.

*Amicus curiae* the Ohio AFL-CIO represents 1,600 local unions across Ohio from 48

different international unions. The local unions that comprise the Ohio AFL-CIO represent approximately 650,000 working men and women and some 300,000 union retirees, many of whom live in the Northern District of Ohio. The Ohio AFL-CIO works to bring economic and social justice to the workplace and to the lives of working Ohioan men and women. To this end, the Ohio AFL-CIO engages in voter registration, education and other election-related activities.

*Amicus curiae* District 1199 is a local union affiliated with the Service Employees International Union. District 1199 represents approximately 28,000 health care and social service workers in Ohio, Kentucky, and West Virginia. Approximately 10,000 of those members reside in the Northern District of Ohio. District 1199's Constitution expressly provides that one of the organization's purposes is "to maintain, preserve and extend the democratic process and institutions of our country." District 1199 engages in voter registration, education and other election-related activities within the State of Ohio on behalf of its members.

*Amici* represent members who will be registering to vote in Ohio in the upcoming general election, and *Amici* therefore have an interest in ensuring that their members are permitted to exercise the right to vote by absentee ballot. For example, one of the plaintiffs in the instant action, Sherie Penix, is a member of District 1199 who intends to register to vote prior to October 6, 2008. Complaint at 4. Additionally, *Amici* will be assisting citizens to register to vote, including during the period of September 30, 2008 to October 6, 2008, and thus have an interest in ensuring the integrity of that process. *Amici* have also filed a brief *amicus curiae* in support of the Secretary of State's interpretation of Ohio law in the mandamus action currently pending before the Ohio Supreme Court, *State ex rel. Colvin v. Brunner*, Case No. 08-0813.

For good cause shown, *Amici* respectfully submit that the Court should grant the motion for leave to file the *amicus* brief filed herewith.

Dated: September 28, 2008

Respectfully submitted,

/s/Thomas C. Drabick

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*Counsel for Amici Curiae  
Pro Hac Vice Application to be filed  
September 30, 2008*

## CERTIFICATE OF SERVICE

I hereby certify that on September 29, 2008, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to all parties indicated on the electronic filing receipt.

/s/Thomas C. Drabick

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