

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

Project Vote, Northeast Ohio Coalition for)	
the Homeless, 1Matters, Sherie Penix, and)	
Daniel Robert George,)	
)	
Plaintiffs,)	Judge Gwin
)	
v.)	
)	
Madison County Board of Elections,)	
)	
and)	
)	Civil Action No. 08-2266
Jennifer Brunner, Secretary of State of Ohio,)	
in her official capacity)	
)	
Defendants.)	
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PLAINTIFFS' MOTION TO DISMISS WITHOUT PREJUDICE

Now come Plaintiffs, by and through counsel, to ask this Honorable Court to dismiss their case without prejudice.

Plaintiffs brought suit against Defendants for abridgement of their voting rights due to Defendant Madison County's assertion that they would prohibit new voters from registering and immediately requesting an absentee ballot during the overlap period between the September 30, 2008 start of early voting and the October 6, 2008 end of voter registration. On September 29, 2008, this Court issued an order and the Ohio Supreme Court issued a decision, both of which affirmed that voters could not be prevented from registering and immediately requesting or casting an absentee ballot during the overlap period.

It is now three months later, the Plaintiffs were able to register voters and immediately request or cast absentee ballots, voters who took advantage of the overlap period have not been prosecuted for doing so, and the state's election results have been counted and certified.

In light of the Ohio Supreme Court's ruling affirming the validity of the overlap period and the absence of reports that Plaintiffs' absentee voter ballots were rejected due to their date of registration, Plaintiffs no longer fear disenfranchisement or prosecution for utilizing the overlap period.

Based upon the foregoing, Plaintiffs agree to voluntarily dismiss their claims without prejudice.

CONCLUSION

For the foregoing reasons, Plaintiffs' motion to dismiss without prejudice should be granted.

Respectfully submitted,

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CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served upon all counsel of record by means of the Court's electronic filing service on this 22nd day of December, 2008.

/s/Carrie L. Davis
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