

Motion to dismiss without prejudice granted 12/24/08.

s/ James S. Gwin

JAMES S. GWIN

UNITED STATES

DISTRICT JUDGE

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.