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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

2014 MAY -1 AM 9: 54

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

OHIO STATE CONFERENCE OF THE
NATIONAL ASSOCIATION FOR THE
ADVANCEMENT OF COLORED PEOPLE,
et al.,

Plaintiffs,

v.

JON HUSTED, et al.,

Defendants.

Case No.

2:14 CV - 404

JUDGE FROST

MAGISTRATE JUDGE DEAYERS

PLAINTIFFS' NOTICE OF
RELATED CASE PURSUANT TO
LOCAL CIVIL RULE 3.1(b)

The Plaintiffs respectfully request that this Court, all parties in this matter, and their respective attorneys, take notice that the above-captioned case is, for the purposes of S.D. Ohio Civ. R. 3.1(b), related to the previously filed case *Obama for America et al. v. Husted et al.* ("*Obama for America*"), pending before the Honorable Judge Peter Economus as Case No. 2:12-cv-00636.

The present case is related to *Obama for America* because, as provided in S.D. Ohio Civ. R. 3.1(b) governing related cases, both cases (1) "Arise from [a] . . . substantially identical . . . event;" (2) "Call for a determination of . . . substantially identical questions of law [and] fact;" (3) "Would entail a substantial duplication of effort and expense by the Court and the parties if heard by different judges;" and (4) "Seek relief that could result in a party's being subject to

conflicting orders of this Court.” Furthermore, having these cases heard by the same judge would “provide for the orderly division of the business of the Court.” S.D. Ohio Civ. R. 3.1(c).

In this case, Plaintiffs are initiating suit against Attorney General Mike DeWine and Secretary of State Jon Husted, who, just 16 months after being enjoined by this Court from eliminating the last three days of the early voting period in 2012, *see Obama for Am. v. Husted*, 888 F. Supp. 2d 897 (S.D. Ohio 2012), *aff’d*, 697 F.3d 423 (6th Cir. 2012), have moved swiftly to eliminate the last *two* days of the early voting period – and even more egregiously, have also eliminated an entire week of early voting during which voters were able to register and vote at the same time, and have also banned early voting during all evenings and Sundays. Eliminating these times has also had the impact of eliminating Ohio voters’ entire same-day registration period, as well as all opportunities to vote on Sundays and during evening hours. These statutory and administrative changes will disproportionately affect working and lower-income citizens, and particularly the Ohio African-American community, and will directly deny the franchise or otherwise make it significantly more difficult for tens of thousands of Ohioans to vote. These changes, *inter alia*, burden the fundamental right to vote in violation of the Equal Protection Clause of the United States Constitution as well as 42 U.S.C. § 1983. Plaintiffs seek to enjoin the elimination of these early voting periods.

First, this case and *Obama for America* “arise from [a] substantially identical . . . event.” S.D. Ohio Civ. R. 3.1(b)(1). Both cases arise because the Defendants (the same Defendants in both cases), have, through an identical process of legislation and administrative directives, made changes in Ohio law that have the effect of denying voting opportunities to certain classes of Ohioans. Two of the early voting days at issue in this case (*i.e.*, the last two days of early voting) are at issue in *Obama for America*.

Second, both cases “call for a determination of . . . substantially identical questions of law [and] fact.” S.D. Ohio Civ. R. 3.1(b)(2). The Plaintiffs in both cases seek injunctive relief with respect to voters’ rights under the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Moreover, both cases concern substantially identical factual questions involving early voting patterns and practices in Ohio. Expert and lay testimony about early voting behavior, practices of election boards and poll workers during early voting, racial demographics of early voters, and other statistical analysis of early voting inform both of these cases.

Third, because this Court has already made an investment in becoming conversant with the type of early voting data pertinent to this case and the legal framework governing challenges to early voting cutbacks, judicial economy weighs in favor of coordinating the handling of these related cases. In the language of S.D. Ohio Civ. R. 3.1(b)(3), it “[w]ould entail a substantial duplication of effort and expense by the Court and the parties if [this case were] heard by different judges.”

Fourth, because the Plaintiffs in *Obama for America* and the instant case seek similar injunctive relief—specifically the reinstatement of eliminated early voting opportunities—related case status would avoid the possibility that Defendants may become subject to conflicting court orders. As S.D. Ohio Civ. R. 3.1(b)(4) recognizes, civil cases may be deemed related if they “[s]eek relief that could result in a party’s being subject to conflicting orders of this Court.” This consideration is all the more important given the proximity of the November election and the need for consistency to avoid voter confusion.

For all the foregoing reasons, Plaintiffs respectfully submit that having *Obama for America* and the instant case heard by the same judge would “provide for the orderly division of the business of the Court.” S.D. Ohio Civ. R. 3.1(c).

Respectfully submitted,



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* Motions for Admission
Pro Hac Vice forthcoming

CERTIFICATE OF SERVICE

I certify that on May 1, 2014, a copy of the foregoing Notice of Related Case was served upon Defendants by certified U.S. mail, return receipt requested, at the following addresses:

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