

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

OHIO STATE CONFERENCE OF THE	:	Case No. 2:14-cv-00404
NATIONAL ASSOCIATION FOR THE	:	
ADVANCEMENT OF COLORED	:	
PEOPLE, et al.,	:	Judge Peter C. Economus
	:	Magistrate Norah McCann King
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
JOHN HUSTED, et al.,	:	
	:	
Defendants.	:	

**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF THE OHIO SENATE
DEMOCRATIC CAUCUS AND THE OHIO HOUSE DEMOCRATIC CAUCUS
OPPOSING DEFENDANT OHIO ATTORNEY GENERAL MIKE DEWINE’S
SUPPLEMENTAL MEMORANDUM CONTRA PLAINTIFFS’ MOTION FOR
PRELIMINARY INJUNCTION OR ANY AMICUS BRIEF OF THE OHIO GENERAL
ASSEMBLY.**

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The proposed *Amici*, the Ohio Senate Democratic Caucus and the Ohio House Democratic Caucus, including members: Senate Minority Leader Joe Schiavoni, Senate Assistant Minority Leader Charleta Tavares, Senate Minority Whip Edna Brown, Senate Assistant Minority Whip Lou Gentile, Senate Minority Finance Chair Tom Sawyer, Senator Capri Cafaro, Senator Eric Kearney, Senator Michael Skindell, Senator Nina Turner, House Minority Leader Tracy Maxwell Heard, House Assistant Minority Leader Debbie Phillips, House Minority Whip Mike Ashford, House Assistant Minority Whip Dan Ramos, House Finance Ranking Member Vernon Sykes, Representative Nickie J. Antonio, Representative Nick Barborak, Representative Heather Bishoff, Representative Kevin Boyce, Representative Barbara Boyd, Representative Armond Budish, Representative John Patrick Carney, Representative Nicholas J. Celebrezze, Representative Jack Cera, Representative Kathleen Clyde, Representative Michael F. Curtin, Representative Denise Driehaus, Representative Teresa Fedor, Representative Mike Foley, Representative Ronald V. Gerberry, Representative Robert F. Hagan, Representative Matt Lundy, Representative Dale Mallory, Representative Sean O'Brien, Representative John Patterson, Representative Connie Pillich, Representative Chris Redfern, Representative Alicia Reece, Representative John M. Rogers, Representative Michael Sheehy, Representative Stephen Slesnick, Representative Michael Stinziano, Representative Fred Strahorn, Representative Sandra Williams, and Representative Roland Winburn respectfully request leave to file a brief as *amici curiae*, filed concurrently as a separate document, in opposition to the arguments of the Ohio General Assembly as accepted by the Court through either Defendant Ohio Attorney General Mike DeWine's Supplemental Memorandum Contra Plaintiffs' Motion for Preliminary Injunction or any amicus brief of the Ohio General Assembly.

1. *Amici* are the elected Senators representing nearly a third of Ohio's thirty-three Senate districts and nearly two-fifths of Ohio's ninety-nine House of Representatives districts and their respective Caucuses. *Amici* themselves and their constituents are citizens of Ohio and therefore have a substantial interest in the constitutionality of Ohio's election system. Ohio Const. § 15.07 (requiring all state officeholders to take an oath to uphold the United States Constitution, the Ohio Constitution and the duties of their office).
2. As legislators *Amici* have an ongoing interest in the constitutional standards applied to state election regulation and administration. Further, as elected officials, *Amici* have a duty to protect and promote the exercise of the right to vote.
3. *Amici*, in representing all citizens within their districts, have a substantial interest in early voting as they represent registered voters and voters who have voted during the period wherein a voter can register to vote and vote at the same time. Senate *Amici* represent 63.49% of the African American voting age population in the state of Ohio while House *Amici* represent 80.51% of the African American voting age population. These populations rely heavily on early voting to ensure access to the ballot.
4. *Amici's* Brief will be helpful to the court because it addresses the arguments of the Ohio General Assembly from the perspective of the members of the minority party of the Senate and House, whose members debated SB 238 and who believe that voting should be made easier not more difficult.
5. Senate *Amici* have historically affirmed the Caucus' positions on issues of substantial interest in amicus briefs before courts of all levels. Senate *Amici* filed at the United States Supreme Court in *Obama for America v. Husted* in 2012 and at the Supreme Court of Ohio in *State ex rel. Cleveland Right to Life, Inc., v. State of Ohio Controlling Board* in 2013 and *DeRolph v State of Ohio* in 2001.

6. *Amici* were to file this motion and brief filed concurrently as a separate document in opposition to Memorandum of Proposed Intervenor-Defendant the Ohio General Assembly in Opposition to Plaintiffs' Motion for a Preliminary Injunction on July 30th. However, as the Court denied the Motion to Intervene by Proposed Intervenor Ohio General Assembly on July 30th, *Amici* decided that filing the brief would not be responsive to the record or arguments before the Court, and thus it would be imprudent to file. Given Defendant Ohio Attorney General Mike DeWine's Supplemental Memorandum Contra Plaintiffs' Motion for Preliminary Injunction and the Court's mention of the Ohio General Assembly potential to be given leave to file an amicus curiae brief on July 31st, *Amici* decided to file this motion and brief out of an abundance of caution as it seems likely that the arguments of the Ohio General Assembly will be before the Court in some form.
7. *Amici* appreciate the Court's consideration of this motion and brief considering the significant procedural developments within the last forty-eight hours.

For this good cause shown, *Amici* respectfully request that the Court grant the motion for leave to file the amicus brief appended hereto.

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was served upon all counsel of record via the Court's electronic filing system on August 1, 2014.

/s/ Constance M. Pillich
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