IN THE UNITED STATE DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Ohio Republican Party, et al.,	)	**Case No. 2:08-cv-913**
	)	
Plaintiffs,	)	**Hon. George C. Smith**
	)	
v.	)	**Magistrate Judge King**
	)	
Jennifer Brunner,	)	
Ohio Secretary of State,	)	
	)	
Defendants.	)	
	)	

MOTION FOR LEAVE TO FILE *AMICUS* BRIEF IN OPPOSITION TO MOTION 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 opposition to Plaintiffs' motion for a temporary restraining order.

Amici believe that their brief will aid the Court in its determination of Plaintiffs' pending motion, by discussing issues that may not be addressed by other parties such as the federal legal concerns raised by Plaintiffs' requested order and 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. 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. 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. 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,

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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 system on this 29th day of September, 2008.

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