

IN THE

Supreme Court of Indiana

No.

Court of Appeals Cause No. 49A02-0901-CV-00040

LEAGUE OF WOMEN VOTERS OF)	Appeal from the
INDIANA, INC. and)	Marion Superior Court
LEAGUE OF WOMEN VOTERS OF)	Civil Division, 13
)	
Appellants (Plaintiffs below),)	Trial Court Cause No.
)	49D13-0806-PL-027627
v.)	
)	The Honorable
TODD ROKITA, in his official capacity as)	S.K. Reid, Judge
Indiana Secretary of State)	
)	
Appellee (Defendant below).)	

MOTION FOR LEAVE TO FILE A BRIEF AS *AMICI CURIAE*

NOW COME the undersigned counsel for the American Civil Liberties Union (“ACLU”) and the Southern Coalition for Social Justice (“SCSJ”) (collectively, “*Amici*”), who respectfully move for an Order permitting counsel for these organizations to file an *amici curiae* brief in substantial alignment with Appellants (Plaintiffs below), the League of Women Voters. In support of this motion, undersigned counsel state as follows:

I. THE INTEREST OF THE *AMICI* IN THIS CASE

- a. American Civil Liberties Union (“ACLU”)

The American Civil Liberties Union Foundation, Inc. (ACLU) is a nationwide, non-profit, nonpartisan organization with nearly 550,000 members dedicated to defending the principles of liberty and equality embodied in the Constitution and this Nation's civil rights laws. As part of that commitment, the ACLU and its 53 affiliates, including the ACLU of Indiana, defend the equal right of racial and other minorities to participate in the electoral process. The ACLU has operated a Voting Rights Project since 1966. Through this project and other ACLU offices nationwide, the ACLU has provided representation to plaintiffs in literally hundreds of voting cases involving electoral processes throughout the country.

The attorneys for the ACLU Voting Rights Project have represented voters, candidates and political parties in courts within the areas covered by all the Circuits of the United States Courts of Appeals. They have litigated hundreds of cases involving voting rights from state and federal trial courts through the Supreme Court of the United States. The ACLU has filed lawsuits challenging the constitutionality of voter identification requirements in Georgia, *Common Cause/Georgia v. Billups*, No. 05-201 (N.D. Ga. filed Sept. 19, 2005), Arizona, *Inter Tribal Council of Arizona, Inc. v. Brewer*, No. 06-1362 (D. Ariz. filed May 24, 2006), and Indiana, *Crawford v. Marion County Election Bd.*, No. 05-634 (S.D. Ind. filed May 2, 2005).

b. Southern Coalition for Social Justice (“SCSJ”)

The Southern Coalition for Social Justice (“SCSJ”) is a non-profit organization incorporated in North Carolina on August 10, 2007 for charitable purposes. The organization's by-laws provide that SCSJ's purpose is to provide relief for the poor, to eliminate prejudice and discrimination, and to defend human and civil rights secured by law through the provision of free and below cost legal services to indigent and underprivileged individuals and charitable organizations in the southern United States—individuals and organizations otherwise financially

incapable of obtaining such legal assistance from existing legal services organizations and the private bar. SCSJ promotes justice by empowering minority and low-income communities to defend and advance their political, social, and economic rights. Specifically, SCSJ works to ensure that all people have the right to vote and elect candidates of choice to public office. SCSJ has an interest in how state courts interpret their constitutional provisions because SCSJ represents community based organizations that may want to challenge restrictive voter ID laws in southern states.

SCSJ's attorneys have represented plaintiffs facing barriers to exercising their right to vote, including cases challenging the qualifications of African-American voters to register and vote in local elections in North Carolina, and have filed amicus briefs in the U.S. Supreme Court in cases raising issues related to the Voting Rights Act, 42 U.S.C. § 1973, *et. seq.*

II. REASONS WHY AN AMICI BRIEF WOULD BE HELPFUL TO THE COURT

Amici are able to provide a succinct survey of the equal privileges and immunities clause jurisprudence from other states with clauses similar to Indiana's. Such information may not otherwise be readily before the Court. This survey, and the important national trends it illuminates, will allow this Court to see its own equal privileges and immunities clause jurisprudence in nationwide context and to more fully understand the importance of this decision for other states as well. The briefs of the parties in this case are not likely to cover this broader view of the value of state constitutions' privileges and immunities clauses and the important ways that other state courts have relied on Indiana's jurisprudence in developing their own case law.

III. CONCLUSION

For the above reasons, the American Civil Liberties Union and the Southern Coalition for Social Justice respectfully request that the Court grant them leave to file an *amici curiae* brief in this matter. The proposed brief is being tendered contemporaneously with this Motion.

Respectfully submitted this the 9th day of November, 2009.

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CERTIFICATE OF SERVICE

I certify that on November 9, 2009, a copy of the forgoing motion was served via First Class United States mail, postage pre-paid to the following:

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