

EAC Voting Fraud-Voter Intimidation Preliminary Research
Felon Voting Cases

| Name of Case | Court | Citation | Date | Facts | Holding | Statutory Basis (if of Note) | Other Notes | Should the Case be Researched Further |
|--------------|-------|----------|------|-------|--|------------------------------|-------------|---------------------------------------|
| | | | | | intended the Voting Rights Act to reach felon disenfranchisement provisions. Thus, the district court properly granted the members summary judgment on the Voting Rights Act claim. The motion for summary judgment in favor of the members was granted. | | | |

EAC Voting Fraud-Voter Intimidation Preliminary Research
Mixed Vote Fraud Cases

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|----------------------|---|---|------------------|--|--|------------------------------|-------------|---------------------------------------|
| Hileman v. McGinness | Appellate Court of Illinois, Fifth District | 316 Ill. App. 3d 868; 739 N.E.2d 81; 2000 Ill. App. LEXIS 845 | October 25, 2000 | Appellant challenged the circuit court's declaration that that the result of a primary election for county circuit clerk was void. | In a primary election for county circuit clerk, the parties agreed that 681 absentee ballots were presumed invalid. The ballots had been commingled with the valid ballots. There were no markings or indications on the ballots which would have allowed them to be segregated from other ballots cast. Because the ballots could not have been | No | N/A | No |

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| | | | | | <p>segregated, apportionment was the appropriate remedy if no fraud was involved. If fraud was involved, the election would have had to have been voided and a new election held. Because the trial court did not hold an evidentiary hearing on the fraud allegations, and did not determine whether fraud was in issue, the case was remanded for a</p> | | | |

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| | | | | | determination as to whether fraud was evident in the electoral process. Judgment reversed and remanded. | | | |
| Eason v. State | Court of Appeals of Mississippi | 2005 Miss. App. LEXIS 1017 | December 13, 2005 | Defendant appealed a decision of the circuit court convicting him of one count of conspiracy to commit voter fraud and eight counts of voter fraud. | Defendant was helping with his cousin's campaign in a run-off election for county supervisor. Together, they drove around town, picking up various people who were either at congregating spots or their homes. Defendant | No | N/A | No |

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| | | | | | <p>would drive the voters to the clerk's office where they would vote by absentee ballot and defendant would give them beer or money. Defendant claimed he was entitled to a mistrial because the prosecutor advanced an impermissible "sending the message" argument. The court held that it was precluded from reviewing the entire context in which the</p> | | | |

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| | | | | | <p>argument arose because, while the prosecutor's closing argument was in the record, the defense counsel's closing argument was not. Also, because the prosecutor's statement was incomplete due to defense counsel's objection, the court could not say that the statement made it impossible for defendant to receive a fair trial. Judgment affirmed.</p> | | | |
| Wilson v. | Court of | 2000 Va. | May 2, | Defendant | At trial, the | No | N/A | No |

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|--------------|---------------------|----------------|------|---|--|------------------------------|-------------|---------------------------------------|
| Commonwealth | Appeals of Virginia | App. LEXIS 322 | 2000 | appealed the judgment of the circuit court which convicted her of election fraud. | Commonwealth introduced substantial testimony and documentary evidence that defendant had continued to live at one residence in the 13th District, long after she stated on the voter registration form that she was living at a residence in the 51st House District. The evidence included records showing electricity and water usage, records from | | | |

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| | | | | | the Department of Motor Vehicles and school records. Thus, the evidence was sufficient to support the jury's verdict that defendant made "a false material statement" on the voter registration card required to be filed in order for her to be a candidate for office in the primary in question. Judgment affirmed. | | | |
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EAC Voting Fraud-Voter Intimidation Preliminary Research
Voter ID Cases

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| Townson v. Stonicher | Supreme Court of Alabama | 2005 Ala. LEXIS 214 | December 9, 2005 | The circuit court overturned the results of a mayoral election after reviewing the absentee ballots cast for said election, resulting in a loss for appellant incumbent based on the votes received from appellee voters. The incumbent appealed, and the voters cross--appealed. In the meantime, the trial court stayed enforcement of | The voters and the incumbent all challenged the judgment entered by the trial court arguing that it impermissibly included or excluded certain votes. The appeals court agreed with the voters that the trial court should have excluded the votes of those voters for the incumbent who included an improper form of identification with their absentee ballots. It was undisputed that | No | N/A | No |

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Voter ID Cases

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| | | | | its judgment pending resolution of the appeal. | at least 30 absentee voters who voted for the incumbent provided with their absentee ballots a form of identification that was not proper under Alabama law. As a result, the court further agreed that the trial court erred in allowing those voters to somewhat "cure" that defect by providing a proper form of identification at the trial of the election contest, because, under those | | | |

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| | | | | | <p>circumstances, it was difficult to conclude that those voters made an honest effort to comply with the law. Moreover, to count the votes of voters who failed to comply with the essential requirement of submitting proper identification with their absentee ballots had the effect of disenfranchising qualified electors who choose not to vote but rather than to make the effort to comply</p> | | | |

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| | | | | | with the absentee--voting requirements. The judgment declaring the incumbent's opponent the winner was affirmed. The judgment counting the challenged votes in the final tally of votes was reversed, and said votes were subtracted from the incumbents total, and the stay was vacated. All other arguments were rendered moot as a result. | | | |
| ACLU of Minn. v. | United States | 2004 U.S. Dist. | October 29, 2004 | Plaintiffs, voters and | Plaintiffs argued that Minn. Stat. | No | N/A | No |

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| Kiffmeyer | District Court for the District of Minnesota | LEXIS 22996 | | associations, filed for a temporary restraining order pursuant to Fed. R. Civ. P. 65, against defendant, Minnesota Secretary of State, concerning voter registration. | § 201.061 was inconsistent with the Help America Vote Act because it did not authorize the voter to complete registration either by a "current and valid photo identification" or by use of a current utility bill, bank statement, government check, paycheck, or other government document that showed the name and address of the | | | |

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Voter ID Cases

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| | | | | | <p>individual. The Secretary advised the court that there were less than 600 voters who attempted to register by mail but whose registrations were deemed incomplete. The court found that plaintiffs demonstrated that they were likely to succeed on their claim that the authorization in Minn. Stat. § 201.061, sub. 3, violated the Equal Protection Clause of the Fourteenth</p> | | | |

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| | | | | | <p>Amendment of the United States Constitution insofar as it did not also authorize the use of a photographic tribal identification card by American Indians who do not reside on their tribal reservations. Also, the court found that plaintiffs demonstrated that they were likely to succeed on their claims that Minn. R. 8200.5100,</p> | | | |

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| | | | | | violated the Equal Protection Clause of the United States Constitution. A temporary restraining order was entered. | | | |
| League of Women Voters v. Blackwell | United States District Court for the Northern District of Ohio | 340 F. Supp. 2d 823; 2004 U.S. Dist. LEXIS 20926 | October 20, 2004 | Plaintiff organizations filed suit against defendant, Ohio's Secretary of State, claiming that a directive issued by the Secretary contravened the provisions of the Help America Vote Act. The Secretary filed a motion to | The directive in question instructed election officials to issue provisional ballots to first-time voters who registered by mail but did not provide documentary identification at the polling place on election day. When submitting a provisional | No | N/A | No |

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| | | | | dismiss. | ballot, a first-time voter could identify himself by providing his driver's license number or the last four digits of his social security number. If he did not know either number, he could provide it before the polls closed. If he did not do so, his provisional ballot would not be counted. The court held that the directive did not contravene the HAVA and otherwise established reasonable | | | |

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| | | | | | requirements for confirming the identity of first-time voters who registered to vote by mail because: (1) the identification procedures were an important bulwark against voter misconduct and fraud; (2) the burden imposed on first-time voters to confirm their identity, and thus show that they were voting legitimately, was slight; and (3) the number of voters unable to meet the | | | |

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| | | | | | burden of proving their identity was likely to be very small. Thus, the balance of interests favored the directive, even if the cost, in terms of uncounted ballots, was regrettable. The court granted the Secretary's motion to dismiss. | | | |

EAC Voting Fraud-Voter Intimidation Preliminary Research
Disability Access Cases 2

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| New York v. County of Del. | United States District Court for the Northern District of New York | 82 F. Supp. 2d 12; 2000 U.S. Dist. LEXIS 1398 | February 8, 2000 | Plaintiffs brought a claim in the district court under the Americans With Disabilities Act and filed a motion for a preliminary injunction and motion for leave to amend their complaint, and defendants were ordered to show cause why a preliminary injunction should not be issued. | In their complaint plaintiffs alleged that defendants violated the ADA by making the voting locations inaccessible to disabled persons and asked for a preliminary injunction requiring defendants to come into compliance before the next election. The court found that defendants were the correct parties, because | No | N/A | No |

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Disability Access Cases 2

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| | | | | | <p>pursuant to New York election law defendants were responsible for the voting locations. The court further found that the class plaintiffs represented would suffer irreparable harm if they were not able to vote, because, if the voting locations were inaccessible, disabled persons would be denied the right to vote. Also, due to the alleged</p> | | | |

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| | | | | | <p>facts, the court found plaintiffs would likely succeed on the merits. Consequently, the court granted plaintiffs' motion for a preliminary injunction. The court granted plaintiffs' motion for a preliminary injunction and granted plaintiffs' motion for leave to amend their complaint.</p> | | | |
| New York v. County of Schoharie | United States District | 82 F. Supp. 2d 19; 2000 | February 8, 2000 | Plaintiffs brought a claim in the | In their complaint, plaintiffs | No | N/A | No |

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| | Court for the Northern District of New York | U.S. Dist. LEXIS 1399 | | district court under the Americans With Disabilities Act and filed a motion for a preliminary injunction and a motion for leave to amend their complaint, and defendants were ordered to show cause why a preliminary injunction should not be issued. | alleged defendants violated the ADA by allowing voting locations to be inaccessible for disabled persons and asked for a preliminary injunction requiring defendants to come into compliance before the next election. The court found that defendants were the correct party, because pursuant to New York election law, | | | |

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| | | | | | <p>defendants were responsible for the voting locations. The court further found that the class plaintiffs represented would suffer irreparable harm if they were not able to vote, because, if the voting locations were inaccessible, disabled persons would be denied the right to vote. Also, the court found that plaintiffs would likely succeed on the</p> | | | |

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| | | | | | <p>merits of their case. Consequently, the court granted plaintiffs' motion for a preliminary injunction. The court granted plaintiffs' motion for a preliminary injunction because plaintiffs showed irreparable harm and proved likely success on the merits and granted plaintiff's motion for leave to amend the complaint.</p> | | | |

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| Westchester Disabled on the Move, Inc. v. County of Westchester | United States District Court for the Southern District of New York | 346 F. Supp. 2d 473; 2004 U.S. Dist. LEXIS 24203 | October 22, 2004 | Plaintiffs sued defendant county, county board of elections, and election officials pursuant to 42 U.S.C.S. §§ 12131--12134, N.Y. Exec. Law § 296, and N.Y. Elec. Law § 4--1--4. Plaintiffs moved for a preliminary injunction, requesting (among other things) that the court order defendants to modify the polling places in the county so that they | The inability to vote at assigned locations on election day constituted irreparable harm. However, plaintiffs could not show a likelihood of success on the merits because the currently named defendants could not provide complete relief sought by plaintiffs. Although the county board of elections was empowered to | No | N/A | No |

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| | | | | <p>were accessible to disabled voters on election day. Defendants moved to dismiss.</p> | <p>select an alternative polling place should it determine that a polling place designated by a municipality was "unsuitable or unsafe," it was entirely unclear that its power to merely designate suitable polling places would be adequate to ensure that all polling places used in the upcoming election actually conformed</p> | | | |

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| | | | | | <p>with the Americans with Disabilities Act. Substantial changes and modifications to existing facilities would have to be made, and such changes would be difficult, if not impossible, to make without the cooperation of municipalities. Further, the court could order defendants to approve voting machines that conformed to</p> | | | |

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| | | | | | <p>the ADA were they to be purchased and submitted for county approval, but the court could not order them to purchase them for the voting districts in the county. A judgment issued in the absence of the municipalities would be inadequate. Plaintiffs' motion for preliminary injunction was denied, and defendants' motion to dismiss was granted.</p> | | | |

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| Nat'l Org. on Disability v. Tartaglione | United States District Court for the Eastern District of Pennsylvania | 2001 U.S. Dist. LEXIS 16731 | October 11, 2001 | Plaintiffs, disabled voters and special interest organizations, sued defendants, city commissioners, under the Americans with Disabilities Act and § 504 of the Rehabilitation Act of 1973, and regulations under both statutes, regarding election practices. The commissioners moved to dismiss for failure (1) to | The voters were visually impaired or wheelchair bound. They challenged the commissioners' failure to provide talking voting machines and wheelchair accessible voting places. They claimed discrimination in the process of voting because they were not afforded the same opportunity to participate in the voting process as non-disabled | No | N/A | Yes-see if the case was refiled |

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| | | | | state a cause of action and (2) to join an indispensable party. | voters, and assisted voting and voting by alternative ballot were substantially different from, more burdensome than, and more intrusive than the voting process utilized by non--disabled voters. The court found that the complaint stated causes of actions under the ADA, the Rehabilitation Act, and 28 C.F.R. §§ 35.151 and | | | |

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| | | | | | <p>35.130. The court found that the voters and organizations had standing to raise their claims. The organizations had standing through the voters' standing or because they used significant resources challenging the commissioners' conduct. The plaintiffs failed to join the state official who would need to approve any talking voting machine as a</p> | | | |

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| | | | | | <p>party. As the court could not afford complete relief to the visually impaired voters in that party's absence, it granted the motion to dismiss under Fed. R. Civ. P. 12(b)(7) without prejudice. The court granted the commissioners' motion to dismiss in part, and denied it in part. The court granted the motion to dismiss the claims of the</p> | | | |

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| | | | | | visually impaired voters for failure to join an indispensable party, without prejudice, and with leave to amend the complaint. | | | |
| TENNESSEE, Petitioner v. GEORGE LANE et al. | United States Supreme Court | 541 U.S. 509; 124 S. Ct. 1978; 158 L. Ed. 2d 820; 2004 U.S. LEXIS 3386 | May 17, 2004 | Respondent paraplegics sued petitioner State of Tennessee, alleging that the State failed to provide reasonable access to court facilities in violation of Title II of the Americans with Disabilities Act | The state contended that the abrogation of state sovereign immunity in Title II of the ADA exceeded congressional authority under U.S. Const. amend XIV, § 5, to enforce substantive constitutional guarantees. | No | N/A | No |

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| | | | | of 1990. Upon the grant of a writ of certiorari, the State appealed the judgment of the United States Court of Appeals for the Sixth Circuit which denied the State's claim of sovereign immunity. | The United States Supreme Court held, however, that Title II, as it applied to the class of cases implicating the fundamental right of access to the courts, constituted a valid exercise of Congress's authority. Title II was responsive to evidence of pervasive unequal treatment of persons with disabilities in the administration of state | | | |

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| | | | | | <p>services and programs, and such disability discrimination was thus an appropriate subject for prophylactic legislation. Regardless of whether the State could be subjected to liability for failing to provide access to other facilities or services, the fundamental right of access to the courts warranted the limited requirement that the State reasonably</p> | | | |

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| | | | | | <p>accommodate disabled persons to provide such access. Title II was thus a reasonable prophylactic measure, reasonably targeted to a legitimate end. The judgment denying the State's claim of sovereign immunity was affirmed.</p> | | | |

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Voter Registration Cases

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| Bell v. Marinko | United States Court of Appeals for the Sixth Circuit | 367 F.3d 588; 2004 U.S. App. LEXIS 8330 | April 28, 2004 | Plaintiffs, registered voters, sued defendants, Ohio Board of Elections and Board members, alleging that Ohio Rev. Code Ann. §§ 3509.19--3509.21 violated the National Voter Registration Act, and the Equal Protection Clause of the Fourteenth Amendment. The United States District Court for the Northern District of Ohio | The voters asserted that § 3503.02---- which stated that the place where the family of a married man or woman resided was considered to be his or her place of residence---- violated the equal protection clause. The court of appeals found that the Board's procedures did not contravene the National Voter Registration Act because Congress did | No | N/A | No |

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| | | | | <p>granted summary judgment in favor of defendants. The voters appealed.</p> | <p>not intend to bar the removal of names from the official list of persons who were ineligible and improperly registered to vote in the first place. The National Voter Registration Act did not bar the Board's continuing consideration of a voter's residence, and encouraged the Board to maintain accurate and reliable voting rolls. Ohio was free to take reasonable steps to see that</p> | | | |

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| | | | | | <p>all applicants for registration to vote actually fulfilled the requirement of bona fide residence. Ohio Rev. Code Ann. § 3503.02(D) did not contravene the National Voter Registration Act. Because the Board did not raise an irrebuttable presumption in applying § 3502.02(D), the voters suffered no equal protection violation. The judgment was affirmed.</p> | | | |

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| Wilson v. Commonwealth | Court of Appeals of Virginia | 2000 Va. App. LEXIS 322 | May 2, 2000 . | Defendant appealed the judgment of the circuit court which convicted her of election fraud. | On appeal, defendant argued that the evidence was insufficient to support her conviction because it failed to prove that she made a willfully false statement on her voter registration form and, even if the evidence did prove that she made such a statement, it did not prove that the voter registration form was the form required by Title 24.2. At trial, the Commonwealth | No | N/A | No |

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| | | | | | <p>introduced substantial testimony and documentary evidence that defendant had continued to live at one residence in the 13th District, long after she stated on the voter registration form that she was living at a residence in the 51st House District. The evidence included records showing electricity and water usage, records from the Department</p> | | | |

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Voter Registration Cases

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|--------------|-------|----------|------|-------|--|------------------------------|-------------|---------------------------------------|
| | | | | | <p>of Motor Vehicles and school records. Thus, the evidence was sufficient to support the jury's verdict that defendant made "a false material statement" on the voter registration card required to be filed by Title 24.2 in order for her to be a candidate for office in the primary in question. Judgment of conviction affirmed. Evidence, including</p> | | | |

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| | | | | | records showing electricity and water usage, records from the Department of Motor Vehicles and school records, was sufficient to support jury's verdict that defendant made "a false material statement" on the voter registration card required to be filed in order for her to be a candidate for office in the primary in question. | | | |
| ACLU of Minn. v. | United States | 2004 U.S. Dist. | October 29, 2004 | Plaintiffs, voters and | Plaintiffs argued that | No | N/A | No |

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| Kiffmeyer | District Court for the District of Minnesota | LEXIS 22996 | | associations, filed for a temporary restraining order pursuant to Fed. R. Civ. P. 65, against defendant, Minnesota Secretary of State, concerning voter registration. | Minn. Stat. § 201.061 was inconsistent with the Help America Vote Act because it did not authorize the voter to complete registration either by a "current and valid photo identification" or by use of a current utility bill, bank statement, government check, paycheck, or other government document that showed the name and | | | |

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| | | | | | <p>address of the individual. The Secretary advised the court that there were less than 600 voters who attempted to register by mail but whose registrations were deemed incomplete. The court found that plaintiffs demonstrated that they were likely to succeed on their claim that the authorization in Minn. Stat. § 201.061, sub. 3, violated the Equal</p> | | | |

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| | | | | | Protection Clause of the Fourteenth Amendment of the United States Constitution insofar as it did not also authorize the use of a photographic tribal identification card by American Indians who do not reside on their tribal reservations. Also, the court found that plaintiffs demonstrated that they were likely to succeed on | | | |

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| | | | | | their claims that Minn. R. 8200.5100, violated the Equal Protection Clause of the United States Constitution. A temporary restraining order was entered. | | | |
| Kalsson v. United States FEC | United States District Court for the Southern District of New York | 356 F. Supp. 2d 371; 2005 U.S. Dist. LEXIS 2279 | February 16, 2005 | Defendant Federal Election Commission filed a motion to dismiss for lack of subject matter jurisdiction plaintiff individual's action, which sought a declaration that | The individual claimed that his vote was diluted because the NVRA resulted in more people registering to vote than otherwise would have been the case. The court held that the | No | N/A | No |

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| | | | | <p>the National Voter Registration Act was unconstitutional on the theories that its enactment was not within the enumerated powers of the federal government and that it violated Article II of the United States Constitution.</p> | <p>individual lacked standing to bring the action. Because New York was not obliged to adhere to the requirements of the NVRA, the individual did not allege any concrete harm. If New York simply adopted election day registration for elections for federal office, it would have been entirely free of the NVRA just as were five other states. Even if the individual's vote were diluted, and</p> | | | |

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| | | | | | <p>even if such an injury in other circumstances might have sufficed for standing, any dilution that he suffered was the result of New York's decision to maintain a voter registration system that brought it under the NVRA, not the NVRA itself. The court granted the motion to dismiss for lack of subject matter jurisdiction.</p> | | | |
| Peace & | California | 114 Cal. | January 15, | Plaintiff | The trial court | No | N/A | No |

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| Freedom Party v. Shelley | Court of Appeal, Third Appellate District | App. 4th 1237; 8 Cal. Rptr. 3d 497; 2004 Cal. App. LEXIS 42 | 2004 | political party appealed a judgment from the superior court which denied the party's petition for writ of mandate to compel defendant, the California Secretary of State, to include voters listed in the inactive file of registered voters in calculating whether the party qualified to participate in a primary election. | ruled that inactive voters were excluded from the primary election calculation. The court of appeals affirmed, observing that although the election had already taken place, the issue was likely to recur and was a matter of continuing public interest and importance; hence, a decision on the merits was proper, although the | | | |

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| | | | | | <p>case was technically moot. The law clearly excluded inactive voters from the calculation. The statutory scheme did not violate the inactive voters' constitutional right of association because it was reasonably designed to ensure that all parties on the ballot had a significant modicum of support from eligible voters. Information in the inactive file</p> | | | |

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| | | | | | <p>was unreliable and often duplicative of information in the active file. Moreover, there was no violation of the National Voter Registration Act because voters listed as inactive were not prevented from voting. Although the Act prohibited removal of voters from the official voting list absent certain conditions, inactive voters in California could correct the record and</p> | | | |

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| | | | | | vote. Affirmed. | | | |
| McKay v. Thompson | United States Court of Appeals for the Sixth Circuit | 226 F.3d 752; 2000 U.S. App. LEXIS 23387 | September 18, 2000 | Plaintiff challenged order of United States District Court for Eastern District of Tennessee at Chattanooga, which granted defendant state election officials summary judgment on plaintiff's action seeking to stop the state practice of requiring its citizens to disclose their social security numbers as a precondition to voter registration. | The trial court had granted defendant state election officials summary judgment. The court declined to overrule defendants' administrative determination that state law required plaintiff to disclose his social security number because the interpretation appeared to be reasonable, did not conflict with previous caselaw, and could be | No | N/A | No |

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| | | | | | <p>challenged in state court. The requirement did not violate the Privacy Act because it was grand fathered under the terms of the Act. The limitations in the National Voter Registration Act did not apply because the NVRA did not specifically prohibit the use of social security numbers and the Act contained a more specific provision regarding such use. Plaintiff</p> | | | |

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| | | | | | <p>could not enforce § 1971 as it was enforceable only by the United States Attorney General. The trial court properly rejected plaintiff's fundamental right to vote, free exercise of religion, privileges and immunities, and due process claims. Although the trial court arguably erred in denying certification of the case to the USAG under</p> | | | |

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| | | | | | 28 U.S.C.S. § 2403(a), plaintiff suffered no harm from the technical violation. Order affirmed because requirement that voters disclose social security numbers as precondition to voter registration did not violate Privacy Act of 1974 or National Voter Registration Act and trial court properly rejected plaintiff's fundamental | | | |

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| | | | | | right to vote, free exercise of religion, privileges and immunities, and due process claims. | | | |
| Lucas County Democratic Party v. Blackwell | United States District Court for the Northern District of Ohio | 341 F. Supp. 2d 861; 2004 U.S. Dist. LEXIS 21416 | October 21, 2004 | Plaintiff organizations brought an action challenging a memorandum issued by defendant, Ohio's Secretary of State, in December 2003. The organizations claimed that the memorandum contravened provisions of the Help America Vote | The case involved a box on Ohio's voter registration form that required a prospective voter who registered in person to supply an Ohio driver's license number or the last four digits of their Social Security number. In his memorandum, the Secretary informed all | No | N/A | No |

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| | | | | Act and the National Voter Registration Act. The organizations moved for a preliminary injunction. | Ohio County Boards of Elections that, if a person left the box blank, the Boards were not to process the registration forms. The organizations did not file their suit until 18 days before the national election. The court found that there was not enough time before the election to develop the evidentiary record necessary to determine if the organizations | | | |

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| | | | | | <p>were likely to succeed on the merits of their claim. Denying the organizations' motion would have caused them to suffer no irreparable harm. There was no appropriate remedy available to the organizations at the time. The likelihood that the organizations could have shown irreparable harm was, in any event, slight in view of the fact that</p> | | | |

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| | | | | | they waited so long before filing suit. Moreover, it would have been entirely improper for the court to order the Boards to re--open in--person registration until election day. The public interest would have been ill--served by an injunction. The motion for a preliminary injunction was denied sua sponte. | | | |
| Nat'l Coalition for Students with Disabilities | United States District Court for | 150 F. Supp. 2d 845; 2001 U.S. Dist. | July 5, 2001 | Plaintiff, national organization for disabled | Defendants alleged that plaintiff lacked standing to | No | N/A | No |

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| Educ. & Legal Def. Fund v. Scales | the District of Maryland | LEXIS 9528 | | students, brought an action against university president and university's director of office of disability support services to challenge the voter registration procedures established by the disability support services. Defendants moved to dismiss the first amended complaint, or in the alternative for summary judgment. | represent its members, and that plaintiff had not satisfied the notice requirements of the National Voter Registration Act. Further, defendants maintained the facts, as alleged by plaintiff, did not give rise to a past, present, or future violation of the NVRA because (1) the plaintiff's members that requested voter registration services were not registered | | | |

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| | | | | | <p>students at the university and (2) its current voter registration procedures complied with NVRA. As to plaintiff's § 1983 claim, the court held that while plaintiff had alleged sufficient facts to confer standing under the NVRA, such allegations were not sufficient to support standing on its own behalf on the § 1983 claim. As to the NVRA claim,</p> | | | |

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| | | | | | <p>the court found that the agency practice of only offering voter registration services at the initial intake interview and placing the burden on disabled students to obtain voter registration forms and assistance afterwards did not satisfy its statutory duties. Furthermore, most of the NVRA provisions applied to disabled applicants not registered at the</p> | | | |

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| | | | | | <p>university. Defendants' motion to dismiss first amended complaint was granted as to the § 1983 claim and denied as to plaintiff's claims brought under the National Voter Registration Act of 1993. Defendants' alternative motion for summary judgment was denied.</p> | | | |
| People v. Disimone | Court of Appeals of Michigan | 251 Mich. App. 605; 650 N.W.2d 436; 2002 | July 11, 2002 | Defendant was charged with attempting to vote more than once in the | Defendant was registered in the Colfax township for the 2000 | No | N/A | No |

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| | | Mich. App. LEXIS 826 | | 2000 general election. The circuit court granted defendant's motion that the State had to prove specific intent. The State appealed. | general election. After presenting what appeared to be a valid voter's registration card, defendant proceeded to vote in the Grant township. Defendant had voted in the Colfax township earlier in the day. Defendant moved the court to issue an order that the State had to find that he had a specific intent to vote twice in order to be convicted. The appellate court | | | |

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| | | | | | reversed the circuit court judgment and held that under the rules of statutory construction, the fact that the legislature had specifically omitted certain trigger words such as "knowingly," "willingly," "purposefully," or "intentionally" it was unlikely that the legislature had intended for this to be a specific intent crime. The court also rejected the | | | |

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| | | | | | defendant's argument that phrases such as "offer to vote" and "attempt to vote" should be construed as synonymous terms, as when words with similar meanings were used in the same statute, it was presumed that the legislature intended to distinguish between the terms. The order of the circuit court was reversed. | | | |
| Diaz v. Hood | United States District | 342 F. Supp. 2d 1111; 2004 | October 26, 2004 | Plaintiffs, unions and individuals who | The putative voters sought injunctive relief | No | N/A | No |

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| | Court for the Southern District of Florida | U.S. Dist. LEXIS 21445 | | had attempted to register to vote, sought a declaration of their rights to vote in the November 2, 2004 general election. They alleged that defendants, state and county election officials, refused to process their voter registrations for various failures to complete the registration forms. The election officials moved to dismiss the complaint for lack of standing | requiring the election officials to register them to vote. The court first noted that the unions lacked even representative standing, because they failed to show that one of their members could have brought the case in their own behalf. The individual putative voters raised separate issues: the first had failed to verify her mental capacity, the second failed to check a box | | | |

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| | | | | and failure to state a claim. | indicating that he was not a felon, and the third did not provide the last four digits of her social security number on the form. They claimed the election officials violated federal and state law by refusing to register eligible voters because of nonmaterial errors or omissions in their voter registration applications, and by failing to provide any notice to voter | | | |

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| | | | | | <p>applicants whose registration applications were deemed incomplete. In the first two cases, the election official had handled the errant application properly under Florida law, and the putative voter had effectively caused their own injury by failing to complete the registration. The third completed her form and was registered, so had suffered no</p> | | | |

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| | | | | | injury. Standing failed against the secretary of state. The motions to dismiss the complaint were granted without prejudice. | | | |
| Charles H. Wesley Educ. Found., Inc. v. Cox | United States District Court for the Northern District of Georgia | 324 F. Supp. 2d 1358; 2004 U.S. Dist. LEXIS 12120 | July 1, 2004 | Plaintiffs, a voter, fraternity members, and an organization, sought an injunction ordering defendant, the Georgia Secretary of State, to process the voter registration application forms that they mailed in | The organization participated in numerous non-partisan voter registration drives primarily designed to increase the voting strength of African-Americans. Following one such drive, the fraternity members | No | N/A | No |

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| | | | | <p>following a voter registration drive. They contended that by refusing to process the forms defendants violated the National Voter Registration Act and U.S. Const. amends. I, XIV, and XV.</p> | <p>mailed in over 60 registration forms, including one for the voter who had moved within state since the last election. The Georgia Secretary of State's office refused to process them because they were not mailed individually and neither a registrar, deputy registrar, or an otherwise authorized person had collected the applications as</p> | | | |

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| | | | | | <p>required under state law. The court held that plaintiffs had standing to bring the action. The court held that because the applications were received in accordance with the mandates of the NVRA, the State of Georgia was not free to reject them. The court found that: plaintiffs had a substantial likelihood of prevailing on the merits of their claim that</p> | | | |

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| | | | | | <p>the applications were improperly rejected; plaintiffs would be irreparably injured absent an injunction; the potential harm to defendants was outweighed by plaintiffs' injuries; and an injunction was in the public interest. Plaintiffs' motion for a preliminary injunction was granted. Defendants were ordered to process the applications received from</p> | | | |

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| | | | | | <p>the organization to determine whether those registrants were qualified to vote. Furthermore, defendants were enjoined from rejecting any voter registration application on the grounds that it was mailed as part of a "bundle" or that it was collected by someone not authorized or any other reason contrary to the NVRA.</p> | | | |
| Moseley v. Price | United States | 300 F. Supp. 2d | January 22, 2004 | Plaintiff alleged, that | The court concluded that | No | N/A | No |

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| | District Court for the Eastern District of Virginia | 389; 2004 U.S. Dist. LEXIS 850 | | defendants' actions in investigating his voter registration application constituted a change in voting procedures requiring § 5 preclearance under the Voting Rights Act, which preclearance was never sought or received. Plaintiff claimed he withdrew from the race for Commonwealth Attorney because of the investigation. | plaintiff's claim under the Voting Rights Act lacked merit. Plaintiff did not allege, as required, that any defendants implemented a new, uncleared voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting. Here, the existing practice or procedure in effect in the event a mailed registration card was | | | |

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| | | | | Defendants moved to dismiss the complaint. | returned was to "resend the voter card, if address verified as correct." This was what precisely occurred. Plaintiff inferred, however, that the existing voting rule or practice was to resend the voter card "with no adverse consequences" and that the county's initiation of an investigation constituted the implementation of a change that had not been pre--cleared. | | | |

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| | | | | | <p>The court found the inference wholly unwarranted because nothing in the written procedure invited or justified such an inference. The court opined that common sense and state law invited a different inference, namely that while a returned card had to be resent if the address was verified as correct, any allegation of</p> | | | |

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| | | | | | fraud could be investigated. Therefore, there was no new procedure for which preclearance was required. The court dismissed plaintiff's federal claims. The court dismissed the state law claims without prejudice. | | | |
| Thompson v. Karben | Supreme Court of New York, Appellate Division, Second Department | 295 A.D.2d 438; 743 N.Y.S.2d 175; 2002 N.Y. App. Div. LEXIS 6101 | June 10, 2002 | Respondents filed a motion seeking the cancellation of appellant's voter registration and political party enrollment on the ground that | Respondents alleged that appellant was unlawfully registered to vote from an address at which he did not reside and that he should | No | N/A | No |

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| | | | | <p>appellant was unlawfully registered to vote in a particular district. The Supreme Court, Rockland County, New York, ordered the cancellation of appellant's voter registration and party enrollment. Appellant challenged the trial court's order.</p> | <p>have voted from the address that he claimed as his residence. The appellate court held that respondents adduced insufficient proof to support the conclusion that appellant did not reside at the subject address. On the other hand, appellant submitted copies of his 2002 vehicle registration, 2000 and 2001 federal income tax returns, 2002 property tax bill, a May</p> | | | |

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| | | | | | <p>2001 paycheck stub, and 2000 and 2001 retirement account statements all showing the subject address. Appellant also testified that he was a signatory on the mortgage of the subject address and that he kept personal belongings at that address. Respondents did not sustain their evidentiary burden. The judgment of the trial court was reversed.</p> | | | |
| Nat'l Coalition | United | 2002 U.S. | August 2, | Plaintiffs, a | The court | No | N/A | No |

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|--------------|---|-------------------|------|--|---|------------------------------|-------------|---------------------------------------|
| v. Taft | States District Court for the Southern District of Ohio | Dist. LEXIS 22376 | 2002 | nonprofit public interest group and certain individuals, sued defendants, certain state and university officials, alleging that they violated the National Voter Registration Act in failing to designate the disability services offices at state public colleges and universities as voter registration sites. The group and individuals moved for a | found that the disability services offices at issue were subject to the NVRA because the term "office" included a subdivision of a government department or institution and the disability offices at issue were places where citizens regularly went for service and assistance. Moreover, the Ohio Secretary of State had an obligation under the NVRA to designate the | | | |

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| | | | | preliminary injunction. | disability services offices as voter registration sites because nothing in the law superceded the NVRA's requirement that the responsible state official designate disability services offices as voter registration sites. Moreover, under Ohio Rev. Code Ann. § 3501.05(R), the Secretary of State's duties expressly included | | | |

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| | | | | | <p>ensuring compliance with the NVRA. The case was not moot even though the Secretary of State had taken steps to ensure compliance with the NVRA given his position to his obligation under the law. The court granted declaratory judgment in favor of the nonprofit organization and the individuals. The motion for a preliminary</p> | | | |

EAC Voting Fraud-Voter Intimidation Preliminary Research
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| | | | | | injunction was granted in part and the Secretary of State was ordered to notify disabled students who had used the designated disability services offices prior to the opening day of the upcoming semester or who had pre-registered for the upcoming semester as to voter registration availability. | | | |
| Lawson v. Shelby County | United States Court of Appeals for the | 211 F.3d 331; 2000 U.S. App. LEXIS | May 3, 2000 | Plaintiffs who were denied the right to vote when they | Plaintiffs attempted to register to vote in October, and | No | N/A | No |

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| | Sixth Circuit | 8634 | | refused to disclose their social security numbers, appealed a judgment of the United States District Court for the Western District of Tennessee at Memphis dismissing their amended complaint for failure to state claims barred by U.S. Const. amend. XI. | to vote in November, but were denied because they refused to disclose their social security numbers. A year after the election date they filed suit alleging denial of constitutional rights, privileges and immunities, the Privacy Act of 1974 and § 1983. The district court dismissed, finding the claims were barred by U.S. Const. amend. XI, and the one | | | |

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| | | | | | <p>year statute of limitations. The appeals court reversed, holding the district court erred in dismissing the suit because U.S. Const. amend. XI immunity did not apply to suits brought by a private party under the Ex Parte Young exception. Any damages claim not ancillary to injunctive relief was barred. The court also held the statute of limitations ran from the date plaintiffs</p> | | | |

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| | | | | | <p>were denied the opportunity to vote, not register, and their claim was thus timely. Reversed and remanded to district court to order such relief as will allow plaintiffs to vote and other prospective injunctive relief against county and state officials; declaratory relief and attorneys' fees ancillary to the prospective injunctive relief, all permitted under</p> | | | |

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| | | | | | the Young exception to sovereign immunity, to be fashioned. | | | |
| Curtis v. Smith | United States District Court for the Eastern District of Texas | 145 F. Supp. 2d 814; 2001 U.S. Dist. LEXIS 8544 | June 4, 2001 | Plaintiffs, representatives of several thousand retired persons who called themselves the "Escapees," and who spent a large part of their lives traveling about the United States in recreational vehicles, but were registered to vote in the county, moved for preliminary injunction seeking to | Before a general election, three persons brought an action alleging the Escapees were not bona fide residents of the county, and sought to have their names expunged from the rolls of qualified voters. The plaintiffs brought suit in federal district court. The court issued a | No | N/A | No |

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| | | | | enjoin a Texas state court proceeding under the All Writs Act. | preliminary injunction forbidding county officials from attempting to purge the voting. Commissioner contested the results of the election, alleging Escapees' votes should be disallowed. Plaintiffs brought present case assertedly to prevent the same issue from being relitigated. The court held, however, the issues were different, since, | | | |

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| | | | | | <p>unlike the case in the first proceeding, there was notice and an opportunity to be heard. Further, unlike the first proceeding, the plaintiff in the state court action did not seek to change the prerequisites for voting registration in the county, but instead challenged the actual residency of some members of the Escapees, and such challenge</p> | | | |

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| | | | | | properly belonged in the state court. The court further held that an election contest under state law was the correct vehicle to contest the registration of Escapees. The court dissolved the temporary restraining order it had previously entered and denied plaintiffs' motion for preliminary injunction of the state court proceeding. | | | |
| Pepper v. Darnell | United States Court | 24 Fed. Appx. 460; | December 10, 2001 | Plaintiff individual | Individual argued on | No | N/A | No |

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| | of Appeals for the Sixth Circuit | 2001 U.S. App. LEXIS 26618 | | <p>appealed from a judgment of the district court, in an action against defendant state officials seeking relief under § 1983 and the National Voter Registration Act, for their alleged refusal to permit individual to register to vote. Officials had moved for dismissal or for summary judgment, and the district court granted the motion.</p> | <p>appeal that the district court erred in finding that the registration forms used by the state did not violate the NVRA and in failing to certify a class represented by individual. Individual lived in his automobile and received mail at a rented box. Officials refused to validate individual's attempt to register to vote by mail. Tennessee state law forbade</p> | | | |

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| | | | | | accepting a rented mail box as the address of the potential voter. Individual insisted that his automobile registration provided sufficient proof of residency under the NVRA. The court upheld the legality of state's requirement that one registering to vote provide a specific location as an address, regardless of the transient lifestyle of the | | | |

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| | | | | | <p>potential voter, finding state's procedure faithfully mirrored the requirements of the NVRA as codified in the Code of Federal Regulations. The court also held that the refusal to certify individual as the representative of a class for purposes of this litigation was not an abuse of discretion; in this case, no representative party was available as the</p> | | | |

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| | | | | | indigent individual, acting in his own behalf, was clearly unable to represent fairly the class. The district court's judgment was affirmed. | | | |
| Miller v. Blackwell | United States District Court for the Southern District of Ohio | 348 F. Supp. 2d 916; 2004 U.S. Dist. LEXIS 24894 | October 27, 2004 | Plaintiffs, two voters and the Ohio Democratic Party, filed suit against defendants, the Ohio Secretary of State, several county boards of elections, and all of the boards' members, alleging claims under the | Plaintiffs alleged that the timing and manner in which defendants intended to hold hearings regarding pre-election challenges to their voter registration violated both the Act and the Due Process | No | N/A | No |

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| | | | | <p>National Voter Registration Act and § 1983. Plaintiffs also filed a motion for a temporary restraining order (TRO). Two individuals filed a motion to intervene as defendants.</p> | <p>Clause. The individuals, who filed pre-election voter eligibility challenges, filed a motion to intervene. The court held that it would grant the motion to intervene because the individuals had a substantial legal interest in the subject matter of the action and time constraints would not permit them to bring separate actions to protect their rights. The</p> | | | |

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| | | | | | <p>court further held that it would grant plaintiffs' motion for a TRO because plaintiffs made sufficient allegations in their complaint to establish standing and because all four factors to consider in issuing a TRO weighed heavily in favor of doing so. The court found that plaintiffs demonstrated a likelihood of success on the merits because they made a</p> | | | |