

FILED
CLERK OF DISTRICT COURT
DISTRICT OF NEW MEXICO
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CLERK-ALBUQUERQUE

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

THE AMERICAN CIVIL LIBERTIES
UNION OF NEW MEXICO; and
BARBARA GROTHUS.

Plaintiffs,

v.

No.

JUDY CHAVEZ, ALBUQUERQUE
CITY CLERK;

CIV - 05 - 1136 LFG WDS

Defendants.

**COMPLAINT FOR DECLARATORY
AND INJUNCTIVE RELIEF**

COME NOW Plaintiffs, by and through their undersigned counsel, and for their
Complaint state:

THE PARTIES

1. Plaintiff the American Civil Liberties Union of New Mexico ("ACLUNM") is a non-profit membership organization with standing to vindicate the interests of its members whose rights, status or other legal relations are affected by the Defendants' actions. Among its other many interests, the ACLUNM and its members work to protect the constitutional rights of American citizens, including the fundamental right to vote.

2. The ACLUNM is an organization composed of members who would have standing to sue in their individual right for the allegations set forth in this Complaint. Further, the interests which each of the ACLUNM and its members seek to protect are

germane to the purpose of each of the organizational members, and neither the claim nor the relief sought requires participation by the individual members of the organizational plaintiffs.

3. Plaintiff Barbara Grothus is an individual and qualified registered voter residing in Albuquerque who chooses not to vote by absentee ballot in city and other elections so that she may make a decision informed by the full course of the election campaign, and who objects to being subject to increased burdens on the exercise of her right to vote because she chooses to vote in the traditional manner, by going personally to the polls.

4. Defendant Judy Chavez is the Clerk of the City of Albuquerque, New Mexico, and, pursuant to the New Mexico Municipal Election Code, NMSA § 3-8-7 (1978), is charged with administering municipal elections for the City of Albuquerque.

5. Defendant is sued in her official capacity for declaratory and injunctive relief. At all times material hereto, Defendant has acted or will act under color of state law.

JURISDICTION AND VENUE

6. This case arises under the Constitution and laws of the United States of America, as protected by 42 U.S.C. § 1983.

7. The Court has subject matter jurisdiction over this matter pursuant to 42 U.S.C. §§ 1971(d), 1973(f) and 1983 and also 28 U.S.C. §§ 1331, 1343(3) & (4) and 1367(a).

8. Pursuant to 28 U.S.C. §§ 2201 and 2102, this Court has jurisdiction to grant the requested declaratory and injunctive relief.

9. Venue lies in this district pursuant to 28 U.S.C. 1391(b) because the Defendants reside in this district and the matters complained of arose here.

ALLEGATIONS COMMON TO ALL COUNTS

10. On October 4, 2005, the voters of the City of Albuquerque approved an amendment to the Election Code of the Albuquerque City Charter that requires all voters who vote in person in any municipal election to present at the polling place one form from of a list of mandatory forms of photographic personal identification. A complete and correct copy of the amendment in its entirety is attached hereto as Exhibit A and incorporated herein by reference (hereinafter referred to as "Voter I.D. Amendment."). Upon information and belief, although it has been adopted as law by the City of Albuquerque, it has not yet been codified within the Election Code of the City Charter.

11. The Voter I.D. Amendment, while requiring the presentation of photographic *personal identification for voters voting in person in municipal elections*, does not impose similar burdens, procedures and qualifications upon the right to vote of those persons who vote by absentee ballot.

12. The Voter I.D. Amendment states, in pertinent part:

When a voter approaches the election polling place seeking to vote, the Voter must identify himself or herself audibly by name. The Municipal Election Clerk shall locate in the election rolls the name spoken and ask the individual seeking to vote for one current valid identification card containing the voter's name and photograph.

13. As to the meaning of a "current valid identification card," the Voter I.D. Amendment, does not define "current" or "valid" but lists examples of documents that would be acceptable:

Such photo identification card may include any card issued by a government agency, driver's license, student identification card, commercial transaction card such as a credit or debit card, insurance card, union card, a professional association card or the voter identification card issued by the City Clerk.

14. The "voter identification card issued by the City Clerk" can be obtained without charge if the voter presents themselves to the City Clerk and produces "two of the following identification documents that show the name and address of the voter: a state issued identification card, social security card, student identification card, library card, insurance card, selective service card, union card, professional association card, utility bill, bank statement, government check or a paycheck." If the voter is unable to present the required documentation, the City Clerk is required to issue a "voter photo identification card upon confirmation with the County Clerk that such person is presently registered to vote."

15. In the event an individual appears at the election polling place without the required photo identification, they shall be allowed to vote on a provisional ballot,

but only if he or she swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that he or she is registered voter listed on the voter registration rolls at the precinct at which he or she presented himself or herself to vote and provides his or her date of birth and the last four digits of his or her social security number."

The provisional ballot shall only be counted if, within the ten day canvassing period following the election the voter presents to the City Clerk one of the "photo identification cards" listed in the Voter I.D. Amendment, specifically one of those forms of photo identification listed above in paragraph 15.

16. None of these requirements for a "current valid identification card containing the voter's name and photograph" apply to individuals who vote by absentee ballot. In order to cast their vote, an absentee voter need only request, in mail, in person or by telephone, an application for an absentee ballot, which they must complete providing no more personal identification information than a name, address and the last four digits of their social security number. They then are issued an absentee ballot that may be cast by mail or delivered in person. The absentee ballot itself does not require any additional personal identification information or the possession of any of the forms of documentation required of in-person voters by the Voter I.D. Amendment.

COUNT I

Undue, Discriminatory Burden on the Fundamental Right to Vote
In Violation of the Right to Equal Protection of the Law

17. Plaintiffs incorporate herein by reference the allegations of paragraphs 1 through 16 as though fully restated herein.

18. The Voter I.D. Amendment imposes undue burdens on the fundamental right to vote that are neither justified by, nor necessary to promote a substantial and compelling state interest that was not already being adequately protected by existing criminal laws and election procedures, or which cannot be accomplished by other, less restrictive means.

19. The Voter I.D. Amendment discriminates unconstitutionally against persons who choose to vote in person, is overbroad and is not narrowly tailored to the goal of preventing voter fraud, which was the stated purpose for the Voter I.D. Amendment.

20. The Voter I.D. Amendment violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution, and 42 U.S.C. § 1983, and thereby deprives the members of the ACLUNM and Plaintiff Grothus of their constitutional rights as United States citizens.

WHEREFORE Plaintiffs pray this Court to:

- a. Declare the Voter I.D. Amendment to be unconstitutional, illegal, null and void;
- b. Enjoin Defendant, or persons acting under her supervision and direction, from implementing, administering and enforcing the Voter I.D. Amendment;
- c. Award Plaintiffs their reasonable attorney fees under 42 U.S.C. §§ 1973l(e) and 1988, and interest as allowed by law; and
- d. Grant Plaintiffs such other and further relief to which they may be entitled and which is necessary to give full effect to the Court's order.

COUNT II

Violation of the Civil Rights Act of 1964,
42 U.S.C. §§ 1971(a)(2)(A) and 1971(a)(2)(B)

21. Plaintiffs incorporate by reference the allegations of paragraphs 1 through 16 as though fully restated herein.

22. The Voter I.D. Amendment violates the Civil Rights Act of 1964, 42 U.S.C. §§ 1971(a)(2)(A), which provides:

No person acting under color of law shall –
(A) in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice, or procedure different from the standards, practices, or procedures applied under such

law or laws to other individuals within the same county, parish, or similar political subdivision who have been found by State officials to be qualified to vote....

23. The Voter I.D. Amendment violates 42 U.S.C. §§ 1971(a)(2)(A) because it applies different standards to qualified voters who vote in person than it does to qualified voters who vote by absentee ballot. In effect, the Voter I.D. Amendment imposes additional qualifications (e.g. passing a New Mexico driver's examination and paying for a valid current driver's license, having credit sufficient to receive a commercial transaction card, belonging to a professional organization or union, etc.) upon the right to vote for those voters who vote in person than required of voters who vote by absentee ballot.

24. The Voter I.D. Amendment also violates the Civil Rights Act of 1964, 42 U.S.C. § 1971 (a)(2)(B), which provides:

No person acting under color of state law shall –
(B) deny the right of any individual to vote in any election because of an error or omission on any record or paper relating to any application, registration, or other act requisite to voting, if such error or omission is not material in determining whether such individual is qualified under State law to vote in such election....

25. The Voter I.D. requirement violates 42 U.S.C. § 1971 (a)(2)(B) because it denies individuals who are fully qualified and lawfully registered to vote in person the right to vote based solely on whether they possess with them when they go to the polls the required personal photo identification, particularly when their identity can be confirmed by other means, including but not limited to asking them for the last four digits of their social security number, which is all that is required of absentee voters.

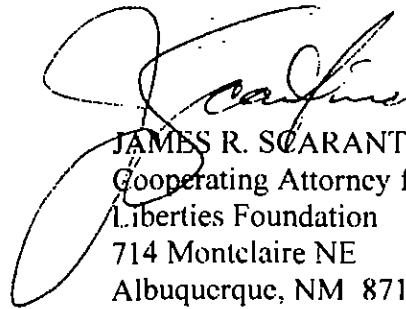
WHEREFORE Plaintiffs pray this Court to:

- a. Declare the Voter I.D. Amendment to be unconstitutional, illegal, null and void;
- b. Enjoin Defendant, or persons acting under her supervision and direction, from implementing, administering and enforcing the Voter I.D. Amendment;
- c. Award Plaintiffs their reasonable attorney fees under the 42 U.S.C. §§ 1973/(e) and 1988, and interest as allowed by law; and
- d. Grant Plaintiffs such other and further relief to which they may be entitled and which is necessary to give full effect to the Court's order:

Respectfully submitted.

JOSEPH P. KENNEDY
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A handwritten signature in black ink, appearing to read 'J. Scarantino', is positioned above the printed text.

JAMES R. SCARANTINO
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F: 505-268-0947
jrscarantino@yahoo.com

COUNSEL FOR PLAINTIFFS

EXHIBIT A
ALBUQUERQUE VOTER I.D. AMENDMENT

CITY of ALBUQUERQUE

SIXTEENTH COUNCIL

COUNCIL BILL NO. R-05-295

ENACTMENT NO. R-2005-099

SPONSORED BY: Sally Mayer

RESOLUTION

ADOPTING A PROPOSITION TO BE SUBMITTED TO THE VOTERS AT THE NEXT MUNICIPAL ELECTION CONCERNING A PHOTO VOTER IDENTIFICATION REQUIREMENT FOR ALBUQUERQUE MUNICIPAL ELECTIONS, PROVIDING FOR ISSUANCE OF VOTER PHOTO IDENTIFICATION CARDS, PROVIDING FOR PROVISIONAL BALLOTS AND DESIGNATING THE TIME FOR CERTIFICATION OF ELECTION RESULTS.

WHEREAS, the integrity of the voting process is essential for the public to have confidence in the election process; and

WHEREAS, present law has no general requirement for presenting a photo identification when voting so as to prevent voting fraud; and

WHEREAS, Louisiana, South Carolina, South Dakota, Florida, Indiana and Hawaii currently require voters to provide photo identification before he or she may vote; and

WHEREAS, the use of photo voter identification will help to eliminate the fraudulent voter registration that exists in Albuquerque and prevent vote from becoming fraudulent as shown by these 2004 examples:

1. A community organization admitted that one of its employees submitted falsified voter registrations forms for a 13-year-old boy and a 15-year-old neighbor;

2. A voter registration card arrived in the name of a resident's father who had been dead for two and one-half years;

3. The Albuquerque Police Department's Gang Unit, while executing a search warrant, found voter registration forms. The occupant admitted to being paid to have people fill out these forms;

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4. Voter Registration cards were turned in to the County Clerk containing faulty or no addresses, no social security numbers and bogus signatures. The Bernalillo County Clerk estimated that the County had 3,000 voter registration cards with problems that may have rendered them invalid; and

WHEREAS, requiring all voters to show photo identification eliminates the possibility of having a person's vote stolen by an impostor, as was the case with at least one Albuquerque citizen in the 2004 election; and

WHEREAS, voting is one of our most important rights and no one should lose that right through the fraudulent behavior of another.

BE IT RESOLVED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF ALBUQUERQUE:

Section 1. The City Clerk is instructed to place the following proposal on the next municipal election ballot, October 4, 2005, and the qualified voters of the City of Albuquerque shall be permitted to vote "for" or "against" the following proposal:

PROPOSITION

Amending the Election Code of the Albuquerque City Charter creating a new Section to provide the following: When a voter approaches the election polling place seeking to vote, the voter must identify himself or herself audibly by name. The Municipal Election Clerk shall locate in the election rolls the name spoken and ask the individual seeking to vote for one current valid identification card containing the voter's name and photograph. Such photo identification card may include any card issued by a government agency, driver's license, student identification card, commercial transaction card such as a credit or debit card, insurance card, union card, a professional association card or the voter identification card issued by the City Clerk. If the individual is unable to provide a photo identification card, he or she shall be allowed to vote on a provisional ballot, but only if he or she swears or affirms under penalty of perjury in an affidavit provided by the City Clerk that he or she is the registered voter listed on the voter registration rolls at the precinct at which he or she presented himself or herself to vote and provides his or her date of birth and the last four digits of his or her social security number.

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1 Provisional ballots shall be issued for no other reason than the failure to
2 present photo identification. Provisional ballots shall be counted only by the
3 Municipal Canvassing Board and only upon the voter's presentation to the
4 City Clerk within the ten day canvassing period one of the photo identification
5 cards described in this section. The Municipal Canvassing Board shall also
6 verify that the voter who cast the provisional ballot was registered to vote for
7 the election and did not vote elsewhere in the same election. If a voter who
8 cast a provisional ballot under this section swears or affirms under penalty of
9 perjury in an affidavit provided by the City Clerk within the ten day canvassing
10 period that he or she has a religious objection to being photographed, such
11 voter shall not be required to submit photo identification. The Municipal
12 Canvassing Board shall otherwise verify that the provisional ballot was valid.
13 The City Clerk shall develop and provide instructions for elections judges
14 concerning the requirements of this Section and a method of complaint and
15 resolution for individuals who feel they have been discriminated against by
16 election officials' or the City Clerk's administration of this Section, in
17 accordance with federal intimidation guidelines. Knowingly executing a false
18 statement constitutes perjury as provided in Section 30-25-1 NMSA 1978 and
19 voting on the basis of a falsely executed statement constitutes false voting as
20 provided in Section 1-20-8 NMSA 1978. Voter photo identification cards shall
21 be issued by the City Clerk without charge to any voter who presents any two
22 of the following identification documents that show the name and address of
23 the voter: a state issued identification card, social security card, student
24 identification card, library card, insurance card, selective service card, union
25 card, professional association card, utility bill, bank statement, government
26 check or a paycheck. If the individual is unable to present any two of these
27 documents to the City Clerk, then the voter shall swear or affirm in writing
28 under penalty of perjury that he or she is the registered voter and shall be
29 issued a voter photo identification card upon confirmation with the County
30 Clerk that such person is presently registered to vote. The City Clerk issued
31 voter photo identification card shall state on its face that it shall not be valid
32 for identification other than for the purpose of voting in City Elections and
33 shall not be valid if the voter is subsequently purged from the voter rolls.

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1 The Municipal Canvassing Board shall certify the results of the Municipal
2 Election by the end of the tenth day after the day on which the election is held.
3 Pursuant to Article II, Section 2 (b) of the City Charter, this Section shall take
4 precedence over the State Municipal Election Code. The provisions of this
5 Section shall apply only to City of Albuquerque Municipal Elections.

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1 PASSED AND ADOPTED THIS 20th DAY OF June 2005
2 BY A VOTE OF: 5 FOR 2 AGAINST.

3
4 Yes: 5

5 No: Griego, Heinrich

6 Excused: Gomez, O'Malley
7
8

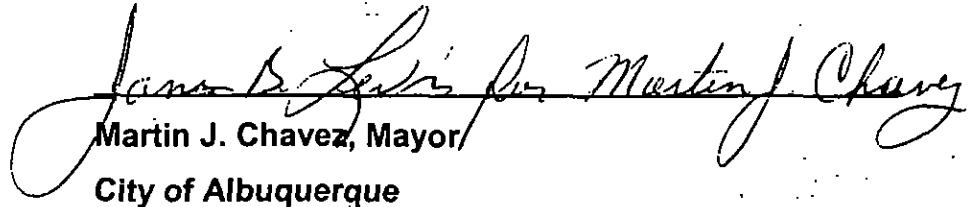
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11 Brad Winter, President

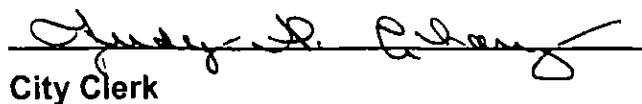
12 City Council
13
14

15
16 APPROVED THIS 23rd DAY OF June, 2005
17

18
19 Bill No. R-05-295
20

21 
22 Martin J. Chavez, Mayor
23 City of Albuquerque
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25

26
27 ATTEST:
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29 
30 City Clerk
31
32
33

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CIV - 05 - 1136

LFG WDS

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS <u>American Civil Liberties Union of New Mexico; and Barbara Grothus</u> (b) County of Residence of First Listed Plaintiff <u>Bernalillo</u> (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) <u>James R. Scarantino, 714 Montclair NE, ABQ NM 87110 (505) 250-8754</u>	DEFENDANTS <u>Judy Chavez, Albuquerque City Clerk</u> County of Residence of First Listed Defendant <u>Bernalillo</u> (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED Attorneys (If Known)
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II. BASIS OF JURISDICTION (Place an "X" in One Box Only) <input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant) <table style="width: 100%;"> <tr> <td style="width: 33%;">Citizen of This State</td> <td style="width: 33%;">Citizen of Another State</td> <td style="width: 33%;">Citizen or Subject of a Foreign Country</td> </tr> <tr> <td><input checked="" type="checkbox"/> 1</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 3</td> </tr> <tr> <td>Incorporated or Principal Place of Business In This State</td> <td>Incorporated and Principal Place of Business In Another State</td> <td>Foreign Nation</td> </tr> <tr> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 3</td> </tr> <tr> <td>PTF DEF</td> <td>PTF DEF</td> <td>PTF DEF</td> </tr> <tr> <td><input type="checkbox"/> 4 <input type="checkbox"/> 4</td> <td><input type="checkbox"/> 5 <input type="checkbox"/> 5</td> <td><input type="checkbox"/> 6 <input type="checkbox"/> 6</td> </tr> </table>	Citizen of This State	Citizen of Another State	Citizen or Subject of a Foreign Country	<input checked="" type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	Incorporated or Principal Place of Business In This State	Incorporated and Principal Place of Business In Another State	Foreign Nation	<input type="checkbox"/> 1	<input type="checkbox"/> 2	<input type="checkbox"/> 3	PTF DEF	PTF DEF	PTF DEF	<input type="checkbox"/> 4 <input type="checkbox"/> 4	<input type="checkbox"/> 5 <input type="checkbox"/> 5	<input type="checkbox"/> 6 <input type="checkbox"/> 6
Citizen of This State	Citizen of Another State	Citizen or Subject of a Foreign Country																	
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IV. NATURE OF SUIT (Place an "X" in One Box Only)			
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	TORTS <table style="width: 100%;"> <tr> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury </td> <td style="width: 50%;"> PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability </td> </tr> </table> CIVIL RIGHTS <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability
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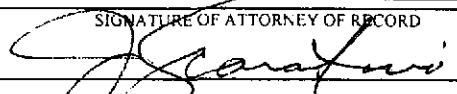
| **FORFEITURE/PENALTY** ☐ 610 Agriculture ☐ 620 Other Food & Drug ☐ 625 Drug Related Seizure of Property 21 USC 881 ☐ 630 Liquor Laws ☐ 640 R.R. & Truck ☐ 650 Airline Regs. ☐ 660 Occupational Safety/Health ☐ 690 Other **LABOR** ☐ 710 Fair Labor Standards Act ☐ 720 Labor/Mgmt. Relations ☐ 730 Labor/Mgmt. Reporting & Disclosure Act ☐ 740 Railway Labor Act ☐ 790 Other Labor Litigation ☐ 791 Empl. Ret. Inc. Security Act | **BANKRUPTCY** ☐ 422 Appeal 28 USC 158 ☐ 423 Withdrawal 28 USC 157 **PROPERTY RIGHTS** ☐ 820 Copyrights ☐ 830 Patent ☐ 840 Trademark **SOCIAL SECURITY** ☐ 861 HIA (1395ff) ☐ 862 Black Lung (923) ☐ 863 DIWC/DIWW (405(g)) ☐ 864 SSID Title XVI ☐ 865 RSI (405(g)) **FEDERAL TAX SUITS** ☐ 870 Taxes (U.S. Plaintiff or Defendant) ☐ 871 IRS—Third Party 26 USC 7609 |
| **OTHER STATUTES** ☐ 400 State Reapportionment ☐ 410 Antitrust ☐ 430 Banks and Banking ☐ 450 Commerce ☐ 460 Deportation ☐ 470 Racketeer Influenced and Corrupt Organizations ☐ 480 Consumer Credit ☐ 490 Cable/Sat TV ☐ 810 Selective Service ☐ 850 Securities/Commodities/Exchange ☐ 875 Customer Challenge 12 USC 3410 ☐ 890 Other Statutory Actions ☐ 891 Agricultural Acts ☐ 892 Economic Stabilization Act ☐ 893 Environmental Matters ☐ 894 Energy Allocation Act ☐ 895 Freedom of Information Act ☐ 900 Appeal of Fee Determination Under Equal Access to Justice ☐ 950 Constitutionality of State Statutes | |

V. ORIGIN (Place an "X" in One Box Only)							
<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment	

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>42 USC Sec. 1983</u>
	Brief description of cause: <u>challenge to voter i.d. requirements</u>

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ <u>n/a</u>	CHECK YES only if demanded in complaint: JURY DEMAND: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
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VIII. RELATED CASE(S) IF ANY	(See instructions) JUDGE <u>1/a</u>	DOCKET NUMBER
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DATE <u>10/27/05</u>	SIGNATURE OF ATTORNEY OF RECORD 
FOR OFFICE USE ONLY	

RECEIPT #	AMOUNT	APPLYING IFP	JUDGE	MAG. JUDGE
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