

SCHMELTZER, APTAKER & SHEPARD, P.C.

COUNSELORS AT LAW

THE WATERGATE

2600 VIRGINIA AVENUE, NORTHWEST, SUITE 1000

WASHINGTON, D.C. 20037-1922

WEB SITE <http://www.saspc.com>

E-MAIL sas@saslaw.com

FAX (202) 337-6065

(202) 333-8800

May 27, 2004

VIA FEDERAL EXPRESS

Clerk of Court
The Circuit Court for Anne Arundel County
7 Church Circle
Annapolis, Maryland 21404

Re: *Linda Schade, et al. v. Maryland State Board of Elections, et al.*,
Case No. C0497297

Dear Clerk:

Enclosed for filing is the original Motion of the Electronic Frontier Foundation, VerifiedVoting.org and VotersUnite! for Leave to File a Brief Amicus Curiae, and Certification of Admission to Practice Law in the State of Maryland.

I have also enclosed a copy of the Motion and I ask that it be file-stamped and returned to me in the enclosed self-addressed, postage-paid envelope. If you have any questions, please do not hesitate to call me at (202) 333-8800.

Thank you very much for your assistance with this matter.

Very truly yours,



Christopher M. Loveland

Enclosures
All Counsel of Record

IN THE CIRCUIT COURT
FOR ANNE ARUNDEL COUNTY

LINDA SCHADE, ANDREW HARRIS, JUDITH BURNS,
MARK ELRICH, KWAME ABAYOMI, TERRENCE
FITZGERALD, SHARON BEARD, and PAUL SUH,

Plaintiffs,

vs.

MARYLAND STATE BOARD OF ELECTIONS,
LINDA H. LAMONE (as Administrator of Maryland's State
Board of Elections),

Defendants.

CASE NO. C0497297

**MOTION OF THE ELECTRONIC FRONTIER FOUNDATION,
VERIFIEDVOTING.ORG AND VOTERSUNITE!
FOR LEAVE TO FILE A BRIEF AMICUS CURIAE**

The Electronic Frontier Foundation ("EFF"), VerifiedVoting.org and VotersUnite! hereby seek leave of court to file a memorandum as amici curiae in order to bring to the court's attention factual information that may assist it in evaluating the motion for preliminary injunction and motion to dismiss currently pending before this court (a copy of the brief amicus curiae is attached hereto as Exhibit A). Specifically, the amicus brief will address the very poor record of reliability and security nationwide that exists for "direct recording electronic" or DRE voting machines in general, and Diebold voting machines in particular. Additionally, the brief will describe all of the currently existing technologies that provide both disability access and sufficient security and reliability. Given this record, we believe that Maryland can provide both accessible and reliable voting technologies to all of its voters, both disabled and non-disabled, and can do so by the November 2004 election. Finally, the brief will describe the growing record indicating that the current versions of DREs have far to go to fulfill the promise of fully

accessible voting.

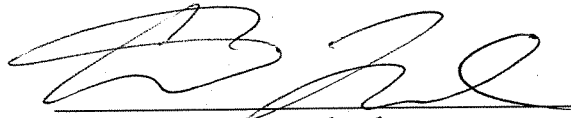
EFF is a donor-supported membership organization working to protect fundamental rights regardless of technology; to educate the press, policymakers and the general public about civil liberties issues related to technology; and to act as a defender of those liberties. EFF currently has approximately 250 members in Maryland. Among our various activities, EFF opposes misguided legislation, initiates and defends court cases preserving individuals' rights, launches global public campaigns, introduces leading edge proposals and papers, hosts frequent educational events, engages the press regularly, and publishes a comprehensive archive of digital civil liberties information at one of the most linked-to websites in the world. Given the constitutional significance of the issue before the Court and the impact an adverse decision would have on EFF's mission, and on the lives of all Maryland citizens, EFF seeks to have its perspective brought to the Court's attention.

VerifiedVoting.org is a nonprofit organization championing reliable and publicly verifiable elections. Founded by Stanford University Computer Science Professor David Dill, the organization supports a requirement for voter-verified paper trails on electronic voting machines allowing voters to inspect individual permanent records of their ballots and election officials to conduct meaningful recounts as needed. Over 8,000 computer science professionals have signed an informal resolution in support of more secure voting at the organization's website at www.verifiedvoting.org.

Voters Unite! Is a nonpartisan national grassroots network for fair and accurate elections. Voters Unite! Is located on the Internet at www.votersunite.org.

Plaintiffs and Defendants have consented to the filing of this brief. (Certification of Christopher M. Loveland attached hereto as Exhibit B, ¶¶ 2, 3).

Respectfully submitted,



Christopher M. Loveland
SCHMELTZER, APTAKER & SHEPARD, PC
2600 Virginia Avenue, N.W.
Suite 1000
Washington, D.C. 20037
Telephone: (202) 333-8800
Facsimile: (202) 625-3311

Cindy Cohn
ELECTRONIC FRONTIER FOUNDATION
454 Shotwell Street
San Francisco, CA 94114
Telephone: (415) 436-9333 x 108
Facsimile: (415) 436-9993

Dated: May 27, 2004

Attorneys for Electronic Frontier Foundation,
VerifiedVoting.org and VotersUnite!