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13 **UNITED STATES DISTRICT COURT**
14 **DISTRICT OF ARIZONA**

15 MARIA M. GONZALEZ, JESUS M.
16 GONZALEZ, BERNIE ABEYTIA,
17 LUCIANO VALENCIA, DEBBIE LOPEZ,
18 SOUTHWEST VOTER REGISTRATION
19 EDUCATION PROJECT, VALLE DEL
20 SOL, FRIENDLY HOUSE, CHICNOS
21 POR LA CAUSA, INC. and ARIZONA
22 HISPANIC COMMUNITY FORUM,

23 Plaintiffs,

24 VS.

25 STATE OF ARIZONA, JAN BREWER,
26 in her official capacity as Secretary of
27 State of the state of Arizona;
28 LeNORA JOHNSON, Apache County
Recorder, CHRISTINE RHODES, Cochise
County, Recorder, CANDANCE OWENS,
Coconino County Recorder, LINDA
HAUGHT ORTEGA, Gila County
Recorder, WENDY JOHN, Graham
County Recorder, BERTA MANUZ,
Greenlee County Recorder, SHELLY
BAKER, La Paz County Recorder,
HELEN PURCELL, Maricopa
County Recorder, JOAN McCall, Mohave
County Recorder, LAURETTE JUSTMAN,
Navajo County Recorder, F. ANN
RODRIGUEZ, Pima County Recorder,
LAURA DEAN-LYTLE, Pinal County
Recorder, SUZIE SAINZ, Santa Cruz
County Recorder, ANN WAYMAN-
TRUJILLO, Yavapai County Recorder,
SUSAN HIGHTOWER MARLER, Yuma
County Recorder, in their official
capacities as County Recorders of the State

Case No. CV-06-1268-PHX-ROS

**PLAINTIFFS' ALTERNATIVE
APPLICATION FOR
TEMPORARY RESTRAINING
ORDER AND ORDER TO
SHOW CAUSE RE
PRELIMINARY INJUNCTION**

1 of Arizona; PENNY L. PEW, Apache
2 County Election Director, THOMAS
3 SCHELLING, Cochise County Election
4 Director, PATTY HANSEN, Coconino
5 County Election Director, DIXIE
6 MUNDY, Gila County Election Director,
7 JUDY DICKERSON, Graham County
8 Election Director, YVONNE PEARSON,
9 Greenlee County Election Director,
10 DONNA J. HALE, La Paz County Election
11 Director, KAREN OSBORNE, Maricopa
12 County Election Director, ALLEN
13 TEMPERT, Mohave County Election
14 Director, KELLY DASTRUP, Navajo
15 County Election Director, BRAD R.
16 NELSON, Pima County Election Director,
17 GILBERTO HOYOS, Pinal County
18 Election Director, MELINDA MEEK,
19 Santa Cruz County Election Director,
20 LYNN A. CONSTABILE, Yavapai County
21 Election Director, PATTI MADRILL,
22 Yuma County Election Director, in their
23 official capacities as County Election
24 Directors of the State of Arizona.

25 Defendants.

26 **TO DEFENDANTS STATE OF ARIZONA AND JAN BREWER:**

27 By this application, Plaintiffs apply to the Court for an immediate order restraining
28 and enjoining Defendants State of Arizona and Jan Brewer (“State Defendants”) and their
agents, servants, and employees from failing to distribute, use and accept the federal mail
voter registration application form prescribed by the U.S. Election Assistance Commission.
The Plaintiffs further apply for an order directing Defendants to show cause at a hearing
before the Court why Defendants, their agents, servants, and employees should not be
restrained and enjoined pending trial of this action from failing to distribute, use and accept
the federal mail voter registration application form prescribed by the U.S. Election
Assistance Commission.

This application is made in the alternative to Plaintiffs’ Ex Parte Application for
Temporary Restraining Order, filed May 9, 2006, and in the event that the Court declines

1 to grant Plaintiffs' Ex Parte Application for Temporary Restraining Order against all
2 Defendants. Plaintiffs believe that if the State Defendants are enjoined from refusing to use
3 and accept the federal mail voter application, most if not all County Defendants will cease
4 this practice and remedy the irreparable harm to Plaintiffs.

5 This application is based on Plaintiffs' contention that State Defendants' failure to
6 distribute, use and accept the federal mail voter registration application form prescribed by
7 the U.S. Election Assistance Commission, and State Defendants' directives to Arizona
8 County Recorders that they refuse to accept the federal mail voter registration application
9 violates Section 6 of the NVRA, 42 U.S.C. 1973gg-4, the Supremacy Clause, Article VI
10 paragraph 2 of the United States Constitution and A.R.S. 16-151. The application is further
11 based on the Memorandum of Points and Authorities in Support of Plaintiffs' Ex Parte
12 Application for Temporary Restraining Order, filed on May 9, 2006; the declaration and
13 exhibits filed with the Memorandum on May 9, 2006; the Verified Complaint filed in this
14 case; and such other and further evidence and argument as may be presented to the Court
15 on this application.

16 Dated: May 16, 2006

Respectfully submitted,

17
18 By: _____
19 /s/
20 Nina Perales
21 Counsel for Plaintiffs

22 **CERTIFICATE OF SERVICE**

23 U I hereby certify that on May 16, 2006, I electronically transmitted the attached
24 document to the Clerk's Office using the CM/ECF System for filing and transmitted
of a Notice of Electronic Filing to the following CM/ECF registrants:

25
26 U I hereby certify that on May 16, 2006, I served the attached document by U.S.
27 Certified Mail, Return Receipt Requested on the following, who are not registered
participants of the CM/ECF System:

1 Peter Silverman
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2 1275 W. Washington
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26 Linda Haught Ortega
27 Gila County Recorder

Helen Purcell
Maricopa County Recorder

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/s/
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