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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.

**PLAINTIFFS' EX PARTE  
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, JAN BREWER, LeNORA JOHNSON,**  
27 **CHRISTINE RHODES, CANDANCE OWENS, LINDA HAUGHT ORTEGA, WENDY**  
28 **JOHN, BERTA MANUZ, SHELLY BAKER, HELEN PURCELL, JOAN McCALL,**  
**LAURETTE JUSTMAN, F. ANN RODRIGUEZ, LAURA DEAN-LYTTLE, SUZIE SAINZ,**  
**ANN WAYMAN-TRUJILLO, SUSAN HIGHTOWER MARLER, PENNY L. PEW,**  
**THOMAS SCHELLING, PATTY HANSEN, DIXIE MUNDY, JUDY DICKERSON,**  
**YVONNE PEARSON, DONNA J. HALE, KAREN OSBORNE, ALLEN TEMPERT,**  
**KELLY DASTRUP, BRAD R. NELSON, GILBERTO HOYOS, MELINDA MEEK,**  
**LYNN A. CONSTABILE, PATTI MADRIL:**

By this application, Plaintiffs apply to the Court for an immediate order restraining and enjoining 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

1 the U.S. Election Assistance Commission.

2 This application is based on Plaintiffs' contention that Defendants' failure to distribute,  
3 use and accept the federal mail voter registration application form prescribed by the U.S.  
4 Election Assistance Commission violates Section 6 of the NVRA, 42 U.S.C. 1973gg-4, the  
5 Supremacy Clause, Article VI paragraph 2 of the United States Constitution and A.R.S. 16-  
6 151. The application is further based on the memorandum of points and authorities filed with  
7 this application; the declaration and exhibits filed with this application; the Verified Complaint  
8 filed in this case; and such other and further evidence and argument as may be presented to the  
9 Court on this application.

10 Dated: May 9, 2006

Respectfully submitted,

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13 By: \_\_\_\_\_/s/  
Nina Perales

14 Counsel for Plaintiffs  
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**CERTIFICATE OF SERVICE**

I here by certify that on this 9<sup>TH</sup> day of May, 2006, I served a true and correct copy of Plaintiffs' Ex Parte Application for Temporary Restraining Order and Order to Show Cause re Preliminary Injunction and Proposed Order on counsel of record by sending said copy via U.S. certified mail, return receipt requested to:

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Assistant Attorney General  
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Phoenix, AZ 85007

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Penny L. Pew  
Director  
Apache County Elections  
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St. Johns AZ 85936

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Cochise County Recorder  
Thomas Schelling  
Elections Officer  
1415 W. Melody Lane, Bldg. B  
Bisbee AZ 85603

Candace D. Owens  
Coconino County Recorder  
Patty Hansen  
Election Administrator  
Coconino County Courthouse  
110 E. Cherry Avenue  
Flagstaff AZ 86001

Linda Haught Ortega  
Gila County Recorder  
Dixie Mundy  
Director  
1400 East Ash Street  
Globe AZ 85501

Wendy John  
Graham County Recorder  
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Berta Manuz  
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Kelly Dastrup  
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1 F. Ann Rodriguez  
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2 Brad R. Nelson  
Election Director  
3 P. O. Box 3145  
4 Tucson AZ 85702  
5 Laura Dean-Lytle  
Pinal County Recorder  
6 Gilberto Hoyos, Director  
P. O. Box 848  
7 Florence AZ 85232  
8 Suzie Sainz  
Santa Cruz County Recorder  
9 Melinda Meek  
Clerk  
10 Santa Cruz County Courthouse  
11 P.O. Box 1150  
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12 Ann Wayman-Trujillo  
13 Yavapai County Recorder  
14 Lynn A. Constabile  
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16 Susan Hightower Marler  
17 Yuma County Recorder  
18 Patty Madrill  
Elections Director  
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20 \_\_\_\_\_ /s/  
21 Nina Perales  
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