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14
15 UNITED STATES DISTRICT COURT
16 DISTRICT OF ARIZONA

17 Leslie Feldman, et al.,
18 Plaintiffs,
19 v.
20 Arizona Secretary of State’s Office, et al.,
21 Defendants.

No. CV-16-01065-PHX-DLR

**PLAINTIFFS’ JOINT MOTION
FOR PRELIMINARY
INJUNCTION ON POLLING
PLACE ALLOCATION AND
PROVISIONAL BALLOT
CLAIMS**

**(ORAL ARGUMENT ON
AUGUST 12, 2016)**

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25 Plaintiffs Leslie Feldman, Luz Magallanes, Mercedes Hymes, Julio Morera, Cleo
26 Ovalle, Former Chairman and First President of the Navajo Nation Peterson Zah, the
27 Democratic National Committee (“DNC”), the DSCC, the Arizona Democratic Party,
28 Kirkpatrick for U.S. Senate, and Hillary for America, jointly with Plaintiff-Intervenor

1 Bernie 2016, Inc. (collectively, “Plaintiffs”), hereby move for a preliminary injunction
2 pursuant to Federal Rule of Civil Procedure 65 to:

3 (1) Require the Maricopa County Defendants, specifically the Maricopa County
4 Board of Supervisors, the members of the Maricopa County Board of Supervisors, the
5 Maricopa County Recorder and Elections Department, Maricopa County Recorder Helen
6 Purcell, and Maricopa County Elections Director Karen Osborne (collectively, the
7 “County”) to make allocation decisions for polling locations for the upcoming November
8 2016 General Election (the “General Election”) in accordance with constitutional
9 requirements and Section 2 of the Voting Rights Act (“VRA”), specifically by enjoining it
10 from approving and implementing an allocation plan that is likely to repeat the types of
11 problems encountered by voters in the recent, disastrous March 22, 2016 presidential
12 preference election (“2016 PPE”); and

13 (2) Enjoin Defendants from continuing their practice of not counting provisional
14 ballots cast out of precinct in jurisdictions that opt to hold the General Election under a
15 precinct-based rather than vote center-based model, requiring that the State count such
16 ballots for all races in which the voter would have been eligible to vote had the voter cast
17 a regular ballot in his or her assigned precinct.

18 This motion is based upon the Amended Complaint, ECF No. 12, the following
19 memorandum of points and authorities, and accompanying declarations and exhibits,
20 including expert reports by Dr. David R. Berman, Dr. Muer Yang, Dr. Jonathan Rodden,
21 and Dr. Allan Lichtman, as well as such further evidence and arguments as may be
22 presented. Per the Court’s order, ECF No. 63, Plaintiffs file this motion
23 contemporaneously with a motion to enjoin Defendants from implementing and enforcing
24 a recently enacted law criminalizing the mere possession of early ballots (“H.B. 2023”).
25 To avoid duplicative briefing, sections of this brief are adopted by reference in Plaintiffs’
26 Motion for Preliminary Injunction on H.B. 2023.
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2 Dated: June 10, 2016

s/ Daniel C. Barr

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Peterson Zah; Democratic National
Committee; DSCC a.k.a. Democratic
Senatorial Campaign Committee; Arizona
Democratic Party, Kirkpatrick for Senate;
and Hillary for America*

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CERTIFICATE OF SERVICE

I hereby certify that on June 10, 2016, I electronically transmitted the attached document to the Clerk’s Office using the CM/ECF System for filing and a Notice of Electronic Filing was transmitted to counsel of record.

s/ Daniel R. Graziano