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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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Morera; Cleo Ovalle; Former Chairman  
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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

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