

1. The Photo ID requirement in the MVPA violates the United States Constitution and federal statutory law in that it:
 - a. Places an unauthorized, unnecessary, and undue burden on the fundamental right to vote in violation of the Fourteenth Amendment of the United States Constitution (Count I);
 - b. Constitutes a poll tax in violation of the Fourteenth and Twenty-Fourth Amendments to the United States Constitution (Count II);
 - c. Violates the Civil Rights Act of 1964, 42 U.S.C. § 1971 (a)(2)(A) (Count III);
and
 - d. Violates the Civil Rights Act of 1964, 42 U.S.C. § 1971 (a)(2)(B) (Count IV).
2. The MVPA was enjoined by the Missouri Circuit Court on September 14, 2006 on state constitutional grounds. An appeal of that Judgment is pending before the Missouri Supreme Court, with arguments scheduled for October 4, 2006.
3. If Defendants in the state court actions are successful on their appeal, the Photo ID requirement, and other challenged provisions of the MVPA, unless enjoined on federal constitutional and statutory grounds, will be effective for the elections held on November 7, 2006.
4. This motion seeks a preliminary injunction to maintain the status quo until this action can be finally decided. *See Dataphase Systems, Inc. v. CL Systems, Inc.*, 640 F.2d 109, 113 (8th Cir. 1981) ("[T]he question is whether the balance of equities so favors the movant that justice requires the court to intervene to preserve the status quo until the merits are determined.").

5. All factors to be considered weigh heavily in favor of issuance of a preliminary injunction:
 - a. There is a high probability that Plaintiffs will succeed on the merits of one or more of their claims;
 - b. Plaintiffs will suffer irreparable harm if the preliminary injunction is not granted;
 - c. The balance between this harm, and any harm that issuance of the preliminary injunction could have on other interested parties, tips strongly in favor of issuance;
 - d. Issuing a preliminary injunction is in the public interest.

See, e.g., Planned Parenthood of Minnesota, Inc. v. Citizens for Community Action, 558 F.2d 861, 867 (8th Cir. 1977) (“interference with the exercise of constitutional rights will support a finding of irreparable injury”).

WHEREFORE, Plaintiffs pray that the Court issue a preliminary injunction before November 7, 2006, against Defendants, their agents, servants, officers and others acting in concert with them (including all local election authorities) from enforcing or implementing the Photo ID requirement and certain other provisions of the MVPA to maintain the status quo until a final decision can be reached.

Dated: September 22, 2006

Respectfully Submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was served via the Court's electronic filing system this 22 day of September, 2006, on:

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