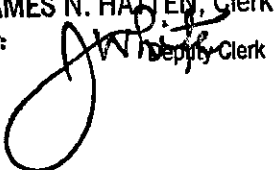


OCT 09 2008

JAMES N. HATTEN, Clerk
By:  Deputy Clerk

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JOSE MORALES, on behalf of himself)
and those similarly situated)

Plaintiff,)

v.)

KAREN HANDEL, in her official)
Capacity as Georgia Secretary of State.)

Defendant.)

CIVIL ACTION
FILE NO. _____

1 08 - CV - 3172

**MOTION FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER
AND TO CONVENE THREE-JUDGE COURT**

Plaintiff Jose Morales, on behalf of himself and those similarly situated, respectfully moves this Court for a temporary restraining order to immediately halt the ongoing, unlawful implementation of new election procedures stemming from changes to Georgia's statewide voter registration database in 2007 and thereafter. These new procedures involve automated administrative records checks that purport to identify non-citizens among registered voters and applicants. Pursuant to these changes, which only came to the attention of Plaintiff and his counsel last week, election officials Cherokee County will begin to conduct voter challenge

hearings on Wednesday, October 15, respectively – less than three weeks before the November 4, 2008 general election.

The United States Department of Justice has informed the State of Georgia that the voting changes at issue in this action are being implemented in violation of Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, because they have not received preclearance under that provision, as they must in order to legally be enforced. As such Plaintiff Morales is entitled to an injunction against the use of the unprecleared voting changes unless and until Section 5 preclearance has been obtained from the United States Attorney General or the United States District Court for the District of Columbia.

Plaintiff Morales is a fully qualified and eligible registered voter in Cherokee County, Georgia. He nonetheless is the subject of a notice from the Cherokee County Board of Elections that he will be removed from the voter registration list and prohibited from voting, notwithstanding the fact that he already provided proof of his citizenship before being issued his voter registration card, if he does not reappear next week to once again provide proof of his citizenship. Because Cherokee and potentially other counties as yet unknown are conducting these systematic removal proceedings within ninety days of a federal election

under the direction the Secretary of State, Defendant Handel is in violation of the National Voter Registration Act (“NVRA”), 42 U.S.C. 1973gg-6(c)(2)(A).

The instant motion seeks to halt the use of the unlawful procedures purporting to verify citizenship, and to halt the removal notices and proceedings consequently being conducted under the direction of the Secretary of State, on the basis of the Defendant’s violations of these two federal statutes.

Plaintiff relies upon this Motion, the supporting Memorandum of Points and Authorities, and the declarations of Plaintiff Morales and of Jon M. Greenbaum submitted concurrently herewith together with such additional evidence and argument as may be received by the Court. A proposed order is attached.

The Georgia Attorney General, Governor and Secretary of State were specifically notified of these potential claims in writing on October 7, 2008, a copy of which is attached as an exhibit to the memorandum in support of the instant motion.

Plaintiff also respectfully moves that a three-judge court be convened to hear and to make the final disposition of the Section 5 claims in this action pursuant to 28 U.S.C. 2284 and 42 U.S.C. 1973c.

Respectfully submitted this 9th day of October, 2008.



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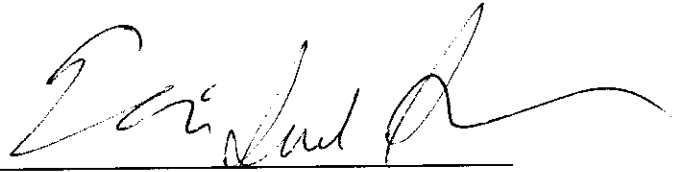
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PRO HAC VICE APPLICATIONS
PENDING

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF COMPLIANCE

This is to certify that the foregoing document was prepared using 14 pt
Times New Roman font.

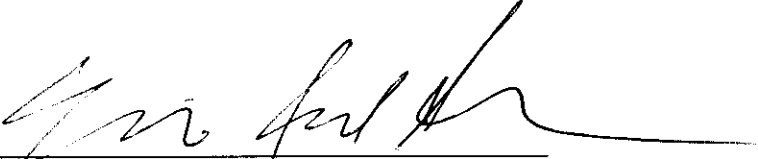
A handwritten signature in black ink, appearing to read "Elise Sandra Shore", written over a horizontal line.

Elise Sandra Shore

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I have this 9th day of October, 2008 served a copy of the foregoing **MOTION FOR PRELIMINARY INJUNCTION AND TEMPORARY RESTRAINING ORDER AND TO CONVENE THREE-JUDGE COURT** on counsel of record by hand delivering a copy of same to:

Thurbert Baker, Attorney General, State of Georgia
Georgia Department of Law
40 Capitol Square, SW
Atlanta, Georgia 30334



Elise Sandra Shore