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**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

MONICA MOYER; ROBERT A. GLEASON, JR.;  
JOYCE HAAS; ADRIENNE MITFORD; JOSEPH B.  
MAGUIRE; W. CRAIG WILLIAMS; and the  
REPUBLICAN PARTY OF PENNSYLVANIA,

Plaintiffs,

v.

PEDRO A. CORTES, Secretary of the Commonwealth;  
ASSOCIATION OF COMMUNITY ORGANIZATIONS  
FOR REFORM NOW (ACORN); PHILADELPHIA  
ACORN; ALLEGHENY COUNTY ACORN; ERIE  
COUNTY ACORN; HARRISBURG ACORN; LEHIGH  
VALLEY ACORN; SOUTHEASTERN PA ACORN;  
PROJECT VOTE /VOTING FOR AMERICA, INC.;  
CITIZENS SERVICES, INC.; and ALL OTHER ACORN  
AFFILIATES AND SUBSIDIARIES OPERATING IN  
PENNSYLVANIA, the identity of which are currently  
unknown,

Defendants.

CIVIL ACTION - EQUITY

Election Matter

NO.

497 mdc2008

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RECEIVED  
COMMONWEALTH COURT  
OF PENNSYLVANIA

**PLAINTIFF'S MOTION FOR SPECIAL AND PRELIMINARY INJUNCTION**

Pursuant to Rule 1531 of the Pennsylvania Rules of Civil Procedure, Plaintiffs, by their undersigned counsel, respectfully move this Honorable Court to issue a Special and/or Preliminary Injunction and, in support thereof, aver as follows:

1. Simultaneous with the filing of this Motion, Plaintiffs have filed a Verified Complaint for Special and Preliminary Injunction against the Honorable Pedro A. Cortes, Secretary of the Commonwealth ("Secretary"), the Association of Community Organizations for Reform Now ("ACORN"), Project Vote/Voting For America, Inc. ("Project Vote"), Citizens Services, Inc. ("Citizens Services"), and ACORN's affiliates and subsidiaries operating in Pennsylvania, both known and unknown (collectively, the "Defendants"), for violations of the federal Help America Vote Act, the Pennsylvania Voter Registration Law, the Pennsylvania Election Code and Pennsylvania's common law prohibition against fraud.

2. As alleged more fully in their Complaint, Plaintiffs have brought this action to obtain a special or preliminary injunction and a permanent injunction and other relief necessary to ensure that the upcoming November 4, 2008 General Election ("2008 General Election") is fair, open and honest and to preserve the ability of Pennsylvania's electors to cast votes that are not diminished or diluted by the votes of unqualified, ineligible voters who are not entitled to cast ballots.

3. By this Motion, Plaintiffs seek an order directing the Secretary to ensure that: (a) the Pennsylvania's Statewide Uniform Registry of Electors ("SURE") system provides to all local election officials, in timely and efficient manner, data about registrants ineligible to vote, as required by state and federal law; (b) all local election officials will require identification from all first-time registrants; and (c) all local election officials will provide a significantly larger

amount of provisional ballots at each polling place so that voters whose voter registration applications have not been timely processed by Election Officials on or before the day of the 2008 General Election or in which questions exist can vote provisionally.

4. Further, as to ACORN, Project Vote, Citizens Services and ACORN's other affiliates in Pennsylvania, both known and unknown (hereinafter, collectively the "ACORN Defendants"), Plaintiffs seek an order that: (a) enjoins the ACORN Defendants from all attempts to encourage voters who have submitted false or duplicative registration forms from voting or attempting to vote in the 2008 General Election; (b) directs the ACORN Defendants to provide to the Plaintiffs, the Secretary and the Election Officials copies of any and all lists identifying the names of individuals for whom the ACORN Defendants submitted voter registration forms, as well as any copies of all underlying documents and forms; (c) directs the ACORN Defendants to fund public service announcements to educate all first time voters about the requirements to present identification in accordance with state and federal law, whether voting in person or via absentee ballot; and (d) directs the ACORN Defendants to comply with similar mandates and requirements that are set forth in a King County Settlement and Compliance Agreement, including those provisions pertaining to "suspect" registrations collected and submitted by the ACORN Defendants in Pennsylvania between November 7, 2007 through October 6, 2008.

5. The factual basis and legal grounds for this Motion are set forth in the Verified Complaint and the Brief in Support of Plaintiff's Motion for Special or Preliminary Injunction to be filed by Plaintiffs, both of which are referred to and incorporated herein by reference.

WHEREFORE, Plaintiffs pray that this Honorable Court consider this action pursuant to state and federal law, and provide narrowly tailored relief by ordering the following:

A. As to the Secretary:

1. Preliminarily, and after a final hearing, permanently directing the Secretary, and all persons acting in concert with him, to ensure that the SURE system provides to Election Officials, in timely and efficient manner, data about registrants ineligible to vote, as required by state and federal law; and

2. Preliminarily, and after a final hearing, permanently directing the Secretary, and all persons acting in concert with him, to ensure that all Election Officials will require identification from all first-time registrants, as required by state and federal law; and

3. Preliminarily, and after a final hearing, permanently directing the Secretary, and all persons acting in concert with him, to ensure that the all Election Officials provide a significantly larger amount of provisional ballots at each polling place so that voters whose voter registration applications have not been timely processed by Election Officials on or before the day of the 2008 General Election or in which questions exist can vote provisionally; and/or

4. Granting any and all other relief as may be necessary and appropriate.

B. As to the ACORN Defendants:

1. Preliminarily, and after a final hearing, permanently enjoining the ACORN Defendants, and all persons acting in concert with them, from all attempts to encourage voters who have submitted false or duplicative registration forms from voting or attempting to vote in the 2008 General Election; and

2. Preliminarily, and after a final hearing, permanently directing the ACORN Defendants, and all persons acting in concert with them, to provide to the Plaintiffs, the Secretary and the Election Officials copies of any and all lists identifying the names of individuals for

whom the ACORN Defendants submitted voter registration forms, as well as any copies of all underlying documents and forms; and

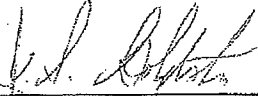
3. Preliminarily, and after a final hearing, permanently directing the ACORN Defendants, and all persons acting in concert with them, to fund public service announcements to educate all first time voters about the requirements to present identification in accordance with state and federal law, whether voting in person or via absentee ballot; and

4. Preliminarily, and after a final hearing, permanently directs the ACORN Defendants, and all persons acting in concert with them, to comply with similar mandates and requirements that are set forth in the King County Settlement and Compliance Agreement, including those provisions pertaining to "suspect" registrations collected and submitted by the ACORN Defendants in Pennsylvania between November 7, 2007 through October 6, 2008; and

5. Granting any and all other relief as may be necessary and appropriate.

Dated: October 14, 2008

Respectfully submitted,



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REPUBLICAN PARTY OF PENNSYLVANIA,	:	

Plaintiffs,	:	NO.
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v.

PEDRO A. CORTES, Secretary of the Commonwealth;	:	
ASSOCIATION OF COMMUNITY ORGANIZATIONS	:	
FOR REFORM NOW (ACORN); PHILADELPHIA	:	
ACORN; ALLEGHENY COUNTY ACORN; ERIE	:	
COUNTY ACORN; HARRISBURG ACORN; LEHIGH	:	
VALLEY ACORN; SOUTHEASTERN PA ACORN;	:	
PROJECT VOTE/VOTING FOR AMERICA, INC.;	:	
CITIZENS SERVICES, INC.; and ALL OTHER ACORN	:	
AFFILIATES AND SUBSIDIARIES OPERATING IN	:	
PENNSYLVANIA, the identity of which are currently	:	
unknown,	:	

Defendants.	:	
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**ORDER OF COURT**

AND NOW, to-wit, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, upon consideration and hearing of Plaintiffs’ Motion for Special and Preliminary Injunction, and finding that good cause exists and that the relief requested is narrowly tailored to address the compelling interests to ensure that the upcoming November 4, 2008 General Election (“2008 General Election”) is fair, open and honest and to preserve the ability of Pennsylvania’s electors to cast votes that are not diminished or diluted by the votes of unqualified, ineligible voters who are not entitled to cast ballots, it is hereby ORDERED, ADJUDGED and DECREED that said Motion be and is hereby GRANTED.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendant Pedro A. Cortes, Secretary of the Commonwealth (the "Secretary"), and all persons acting in concert with him, are hereby enjoined and/or directed to do the following: (a) the Secretary shall take immediate action to ensure that the SURE system provides to local election officials, in timely and efficient manner, data about registrants ineligible to vote, as required by state and federal law; (b) the Secretary shall direct all local election officials to require identification from all first-time registrants, as required by state and federal law; and (c) the Secretary shall direct all local election officials to provide a significantly larger amount of provisional ballots at each polling place so that voters whose voter registration applications have not been timely processed by the local election officials on or before the day of the 2008 General Election or in which questions exist can vote provisionally.

IT IS FURTHER ORDERED, ADJUDGED and DECREED that Defendants Association Of Community Organizations For Reform Now (ACORN); Philadelphia ACORN; Allegheny County ACORN; Erie County ACORN; Harrisburg ACORN; Lehigh Valley ACORN; Southeastern PA ACORN; Project Vote/Voting For America, Inc.; Citizens Services, Inc.; and all other ACORN Affiliates and subsidiaries operating in Pennsylvania, the identity of which are currently unknown (collectively, the ACORN Defendants), and all persons acting in concert with them, are hereby enjoined and/or directed to do the following: (a) the ACORN Defendants are enjoined from all attempts to encourage voters who have submitted false or duplicative registration forms from voting or attempting to vote in the 2008 General Election; (b) the ACORN Defendants are directed to provide to the Plaintiffs, the Secretary and local election officials copies of any and all lists identifying the names of individuals for whom the ACORN Defendants submitted voter registration forms, as well as any copies of all underlying documents

and forms; and (c) the ACORN Defendants are directed to fund public service announcements to educate all first time voters about the requirements to present identification in accordance with state and federal law, whether voting in person or via absentee ballot; and (d) the ACORN Defendants are to comply with similar mandates and requirements that are set forth in the King County Settlement and Compliance Agreement, including those provisions pertaining to "suspect" registrations collected and submitted by the ACORN Defendants in Pennsylvania between November 7, 2007 through October 6, 2008.

BY THE COURT:

\_\_\_\_\_ J.