

CAUSE NO. D-1-GN-12-002923

MICHAEL L. MOORE, JAMES E. YOUNG, ROBERT E. BROWN, JR., and ANDREW DYLAN WOOD, Plaintiffs,	§ § § § § §	IN THE DISTRICT COURT
v.	§ §	OF TRAVIS COUNTY, TEXAS
TINA MORTON, TRAVIS COUNTY VOTING REGISTRAR and HOPE ANDRADE, SECRETARY OF STATE OF TEXAS, sued in their official capacities, Defendants.	§ § § § §	261ST JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On September 19, 2012, Plaintiffs filed their Original Petition and Application for Injunctive Relief (the "Original Petition"), complaining of certain actions by Defendants. In the Original Petition, Plaintiffs requested entry of a temporary restraining order.

Plaintiffs allege that the actions of Defendant Secretary of State in instructing local registrars to send notice to persons that Defendant Secretary of State thinks might potentially be dead, threatens them and others similarly situated by ordering that they and other voters be purged from the voting rolls, if a timely response is not filed by the voters.

Plaintiffs allege that Defendant Secretary of State has no legal authority to take this action or to direct the local registrars to carry out this purge under the statutes controlling purges for reasons of death which allow such actions only when the Secretary of State has determined that the voter is deceased, not possibly deceased. Plaintiffs allege that many thousands of voters, including themselves are at risk of being disenfranchised by the invalid notices requiring voters to demonstrate that they are alive.

Plaintiffs further allege that the directives of the Secretary of State are rules under the Texas Administrative Procedure Act, but they were never adopted pursuant to that law and are therefore invalid.

It clearly appears to the Court from the facts set forth in Plaintiffs' Original Petition that, pursuant to TEX. ELEC. CODE § 273.081, Plaintiffs are entitled to temporary injunctive relief to prevent Defendant Andrade from implementing the directive of the Secretary of State to mail out the notices prescribed by Defendant Andrade and Defendant Morton from preventing any voter from being purged from the voter rolls because of the implementation of the Secretary of State directives regarding "weak" matches.

IT IS THEREFORE ORDERED that Defendant Morton is immediately restrained from continuing to mail out the notices prescribed by the Secretary of State. Defendant Andrade is restrained from further instructing counties to remove any voters names from the voter rolls because of a failure of any voter to timely comply with the requirements of said notices issued based on non-responses to "weak" matches. Defendant Morton is restrained from removing any voter name from the voter rolls because of a failure of any voter to timely comply with requirement of said notices issued based on non-responses to "weak" matches.

IT IS FURTHER ORDERED that the Defendants shall appear on the _____ day of _____ at _____ in this Court and then and there to show cause, if any there be, why Plaintiffs' request for a temporary injunctive should not be granted. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the temporary injunction hearing.

IT IS THEREFORE ORDERED that the Travis County District Clerk shall forthwith on the filing by the Plaintiffs of the bond hereafter required, and on approving the same according to law, issue a temporary restraining order in conformity with the law and the terms of this order.

This Temporary Restraining Order shall not be effective until Plaintiffs file with the Clerk a bond or cash deposit in conformity with the law in the amount of One Hundred Dollars (\$100.00)

Unless otherwise extended, this Temporary Restraining Order shall expire at _____ p.m. on the 14th day after the date of its entry which is set forth below.

SIGNED AND ORDERED this ____ day of _____, 2012, at ____ o' clock, _____ .m.

District Judge Presiding

Submitted by,

Randall B. Wood
State Bar No. 21905000
RAY & WOOD
2700 Bee Caves Road, Suite 200
Austin, Texas 78746
(512) 328-8877 (Telephone)
(512) 328-1156 (Telecopier)
Attorneys for Plaintiff Andrew Dylan Wood

David Richards
State Bar No. 16846000
Richards, Rodriguez & Skeith, LLP
816 Congress Avenue, Suite 1200
Austin, Texas 78701
(512) 476-0005 (Telephone)
(512) 476-1513 (Telecopier)
Attorneys for Plaintiffs

AGREED AS TO FORM:

Sherine E. Thomas
State Bar No. 00794734
Anthony J. Nelson
State Bar No. 14885800
Assistant County Attorneys
Travis County Attorney's Office
P.O. Box 1748
Austin, Texas 78767
(512) 854-9513 (Telephone)
(512) 854-4808 (Facsimile)
Attorneys for Tina Morton,
Travis County Voting Registrar

Erika M. Kane
State Bar No. 24050850
Andrew L. Harris
State Bar No. 24057887
Assistant Attorney Generals
Texas Attorney General's Office
P.O. Box 12548
Austin, Texas 78711
(512) 463-2120 (Telephone)
(512) 320-0667 (Facsimile)
Attorneys for Hope Andrade,
Secretary of State of Texas