

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

UNITED STATES STUDENT ASSOCIATION  
FOUNDATION, as an organization and  
representative of its members, AMERICAN CIVIL  
LIBERTIES UNION FUND OF MICHIGAN,  
as an organization and representative of its  
members, AMERICAN CIVIL LIBERTIES  
UNION OF MICHIGAN, as an organization and  
representative of its members,

Plaintiffs,

v.

TERRI LYNN LAND, Michigan Secretary of State,  
and CHRISTOPHER M. THOMAS, Michigan  
Director of Elections, FRANCES MCMULLAN,  
City Clerk for the City of Ypsilanti, Michigan, in  
their official capacities,

Defendants.

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Case No.

Hon.

**REQUEST FOR EXPEDITED  
CONSIDERATION**

**MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs United States Student Association Foundation (“USSA”), American Civil Liberties Union Fund of Michigan (“ACLU Fund”) and American Civil Liberties Union of Michigan (“ACLU of Michigan”) (together, “Plaintiffs”), through their undersigned attorneys, submits this Motion for Preliminary Injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure. Through this Motion, Plaintiffs seek an injunctive order prohibiting the Michigan Secretary of State, Michigan Director of Elections and City Clerk for the City of Ypsilanti, Michigan (together, “Defendants”) from engaging in actions that violate both federal and state laws protecting the rights of Michigan residents to vote. Absent the requested injunction, qualified Michigan voters will be disfranchised and unable to vote in the November 4, 2008 election. Intervention by this Court is necessary to preserve for Michigan residents their

fundamental right, as citizens of Michigan and the United States, to vote in the November election. In further support of this Motion, Plaintiffs respectfully refer the Court to their supporting brief filed herewith.

Plaintiffs requests expedited consideration of their Motion. The November 4, 2008 election is fewer than seven weeks away. Without expedited consideration, Michigan residents will not be re-enfranchised in time to vote in the upcoming election.

WHEREFORE, Plaintiffs respectfully request that the Court enter a preliminary injunction and permanent injunction ordering Defendants:

(1) to discontinue their practice of sending out 30-Day cancellation notices and immediately removing voters from precinct voting lists upon receipt of notice that such voters have surrendered their Michigan driver's licenses and/or applied for driver's licenses in another state;

(2) to follow the confirmation of registration procedures set forth in Section 8(d) of the NVRA and MCL § 168.509aa upon receipt of notification that a Michigan voter has surrendered his or her driver's license and/or applied for a driver's license in another state;

(3) to restore to "Active" status in the QVF all voters whose registrations (a) were cancelled pursuant to the 30-Day notice cancellation procedure between January 1, 2006 and the present and (b) have not been reactivated by other means, unless (x) Defendants have received a specific written request from an affected voter authorizing the cancellation of a particular registration, or (y) the affected voter is presently no longer qualified to vote under Michigan law by reason other than a change of address;

(4) to discontinue the practice of immediately cancelling or rejecting a voter's registration based upon the return of the original voter identification card as undeliverable;

(5) to treat the return of original voter identification cards in the same manner as the return of a duplicated identification cards;

(6) to restore to "Active" status in the QVF all voters whose registrations (a) were cancelled or rejected pursuant to MCL § 168.500c between January 1, 2006 and the present and (b) have not been reactivated by other means, unless (x) Defendants have received a specific written request from an affected voter authorizing the cancellation of a particular registration, or (y) the affected voter is presently no longer qualified to vote under Michigan law by reason other than a change of address; and

(7) to maintain, preserve, and not destroy until after December 31, 2009, any and all records relating to Defendants' quarterly purge programs that have, since January 1, 2006,

resulted in the cancellation of the registration of voters who have applied for out-of-state driver's licenses, the sending of 30-day cancellation notices, and/or the cancellation or rejection of voters' registrations based upon the return of original voter identification cards;

Plaintiffs further request that this Court declare the rights of the parties, including a declaration that MCL §§ 168.499(3) and 168.500c are preempted by Section 8(d) of the NVRA, 42 U.S.C. § 1973gg-6(d); a declaration that the Purging Procedure violates Section 8(d) of the NVRA, 42 U.S.C. § 1973gg-6(d) and M.C.L. § 168.509aa; and grant such other and further relief as this Court deems appropriate.

Respectfully submitted,

/s/ Matthew J. Lund

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