

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-2321-WYD

COMMON CAUSE OF COLORADO,  
on behalf of itself and its members;  
MI FAMILIA VOTA EDUCATION FUND; and  
SERVICE EMPLOYEES INTERNATIONAL UNION,  
on behalf of itself and its members,

Plaintiffs,

v.

MIKE COFFMAN, in his official capacity as Secretary of State  
for the State of Colorado,

Defendant.

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ORDER APPROVING PARTIES' STIPULATED PRELIMINARY INJUNCTION

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KANE, J.

The Stipulation of the parties, which was submitted by the parties and read into the record is APPROVED and set forth as follows:

1. Secretary of State will generate a list (hereafter, "the List") of individuals who were determined to have failed the 20-day rule and all voters whose registrations were canceled for any reason during the period beginning May 14, 2008 through November 4, 2008. The List will be transmitted electronically to each clerk and counsel for Plaintiffs by 9:00 a.m. November 5, 2008.
2. The Secretary will issue an Order to clerk and recorders stating, at a minimum, as follows:
  - a. Voters on the List who voted by provisional ballot shall be verified before other provisional ballots.

- b. Voters on the List shall be presumed to be eligible and their ballots will be counted. Only upon a showing by clear and convincing evidence that a voter is not eligible shall a provisional ballot be rejected by the county.
  - c. No ballot shall be rejected unless there is a review all of the applicable records in the SCORE database, including but not limited to, the scanned original registration application, sources provided by the Colorado Secretary of State or law enforcement agencies regarding individuals with felony convictions serving a sentence of confinement or parole, and the Division of Motor Vehicles motor voter database.
  - d. For any voter on the List whose provisional ballot has been rejected at the county level, the clerk shall contact the voter in writing by forwardable mail and by telephone, where provided, stating his or her ballot has been rejected at the county level and the reason for the rejection and provide the Secretary of State with a copy of the writing. Plaintiffs counsel will have input into the language of the written notice.
  - e. For each ballot rejected at the county level of a voter on the List, the clerk shall provide the Secretary of State with a copy of the provisional ballot affidavit no later than the end of the 14-day provisional ballot review period.
3. Upon receipt of each such ballot affidavit, the Secretary of State shall provide a copy of the ballot affidavit to the designated representative of Plaintiffs' counsel. The parties will enter into a protective order to preserve the confidentiality of any personally identifiable information.
4. The Secretary shall conduct an independent review of each ballot rejected at the county level and order the clerk to count the ballot of any voter whose ballot was incorrectly rejected no

later than two weeks prior to the certification of the statewide results. If the Secretary affirms the rejection, then the Secretary shall inform the designated representative of Plaintiffs' counsel and provide access to the evidence upon which the determination was made within two business days and in no event later than two weeks prior to the certification of the statewide results.

5. The Parties agree that the Court shall retain continuing jurisdiction over any disputes over voter eligibility arising after the Secretary's review.
6. By entering into this Stipulation, the Secretary does not admit to any of the allegations in the Complaint, including any violation of law. By entering into this Stipulation, the Plaintiffs do not waive any claims.

Dated this 29<sup>th</sup> day of October, 2008, at Denver, Colorado.

**s/John L. Kane**  
SENIOR U.S. DISTRICT JUDGE