

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil No. 08-CV-02321-JLK

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,

vs.

BERNIE BUESCHER, in his official capacity as Secretary of State for the State of Colorado,

Defendant.

[PROPOSED] ORDER GRANTING PLAINTIFFS' MOTION FOR INTERIM RELIEF

WHEREAS the Court has considered Plaintiffs' Motion for Interim Relief, the briefing and exhibits submitted in connection thereto, and all pertinent matters of record, and is fully advised in the motion's premises;

WHEREAS Plaintiffs have demonstrated a substantial likelihood of success on the merits of their claim that Colorado's "20-Day Rule," 1 Colo. Rev. Stat. § 1-2-509(3), violates the National Voter Registration Act of 1993, 42 U.S.C. § 1973gg-6 (the "NVRA");

WHEREAS Plaintiffs have standing to pursue that claim both on their own behalf and on behalf of their members;

WHEREAS Congress has determined that injunctive relief is a proper remedy for violations of the NVRA, 42 U.S.C. § 1973gg-9(b)(2);

WHEREAS Plaintiffs and their members are likely to suffer irreparable harm in the absence of interim relief barring enforcement of the 20-Day Rule and requiring that affected voters be restored to “active” status for the upcoming 2010 federal election;

WHEREAS the harm to Plaintiffs and their members in the absence of such interim relief far outweighs any harm resulting from the grant of such relief;

WHEREAS the proposed interim relief would serve the public interest in increasing the number of eligible citizens who are registered to vote in a manner that protects the integrity of the electoral process and the accuracy of the voter registration rolls;

IT IS HEREBY ORDERED that Defendant shall immediately make “active” all registration records cancelled from the SCORE database pursuant to Colorado’s “20-Day Rule,” Colo. Rev. Stat. § 1-2-509(3), that remain in “Failed 20 day” status; and

IT IS HEREBY ORDERED that Defendant shall mail ballots to all such voters who requested mail-in ballots; and

IT IS HEREBY ORDERED that Defendant and any other state or local election official over whom Defendant exercises authority are enjoined and restrained from cancelling any voter registration record in advance of the November 2, 2010 federal election pursuant to the 20-Day Rule.

DATED this ____ day of _____, 2010

JOHN L. KANE, Senior Judge
United States District Court

CERTIFICATE OF SERVICE

I hereby certify that on October 6, 2010, I electronically filed the foregoing [Proposed] Order Granting Plaintiffs' Motion for Interim Relief with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered, interested parties via electronic mail.

Executed on October 6, 2010

/s/ James M. Finberg