

THIRD JUDICIAL DISTRICT
SHAWNEE COUNTY DISTRICT COURT
CIVIL DEPARTMENT

MARVIN L. BROWN, JOANN BROWN, and)
CHARLES WILLIAM STRICKER III, on)
behalf of themselves and all others similarly) Case No. _____
situated,)
)
Plaintiffs,)
)
v.)
KRIS KOBACH, Kansas Secretary of State, in)
his official capacity,)
)
Defendant.) Division No. ____
)
_____)

**PLAINTIFFS’ MOTION FOR A TEMPORARY RESTRAINING ORDER
AND TEMPORARY INJUNCTION**

COME NOW Plaintiffs Marvin L. Brown, JoAnn Brown, and Charles William Stricker III, on behalf of themselves and all others similarly situated, by and through their undersigned Attorneys and pursuant to Kan. Stat. Ann. (“K.S.A.”) §§ 60-902 and 60-903 and respectfully move this Court to issue a Temporary Restraining Order and Temporary Injunction enjoining Defendant Secretary of State Kris Kobach’s temporary regulation, Kan. Admin. Regs. (“K.A.R.”) § 7-23-16 (the “Temporary Regulation”), and unlawful operation of a dual system of voter registration and election administration. In support thereof, Plaintiffs state and allege as follows:

1. Defendant enacted the Temporary Regulation and established and operates a dual system of voter registration and election administration without any authority in direct contravention of this Court’s orders in *Belenky v. Kobach*. See *Belenky v. Kobach*, No. 2013CV1331 (Shawnee Cty. Dist. Ct. Aug. 21, 2015); *Belenky v. Kobach*, No. 2013CV1331

(Shawnee Cty. Dist. Ct. Jan. 15, 2016); *Belenky v. Kobach*, No. 2013CV1331 (Shawnee Cty. Dist. Ct. June 14, 2016). This voter registration system permits some qualified Kansas voters to vote for federal offices such as U.S. Senator, but not for state or local offices such as state representative or state senator.

2. Plaintiffs Mr. Marvin Brown, Mrs. JoAnn brown, and Mr. Charles Stricker are eligible Kansas voters who submitted complete and valid voter registration applications, but are prohibited from voting in state and local elections and from signing election-related petitions due to Defendant's unlawful enforcement of the Temporary Regulation and operation of a dual system of registration.

3. Unless enjoined, Defendant's actions will irreparably harm Plaintiffs and thousands of other qualified Kansas voters by interfering with their fundamental right to vote.

4. Plaintiffs respectfully request that this Court enjoin Defendant's unlawful Temporary Regulation and dual system of registration to protect Plaintiffs' and other similarly situated voters' fundamental right to vote.

5. Plaintiffs further request that, due to the ongoing voting for the August primary, which closes in two weeks on August 2, 2016, the Court issue a temporary restraining order barring enforcement of the unlawful Temporary Regulation and dual registration system while Plaintiffs' request for a temporary injunction is adjudicated.

6. Filed in support of this motion is a memorandum that more fully sets forth the factual and legal bases for Plaintiffs' motion.

Dated: July 19, 2016

Respectfully submitted,

/s/ Robert V. Eye

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**pro hac vice motions pending*

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that, on the 19th day of July, 2016, a copy of the above and foregoing document was electronically filed, and was served concurrently by electronic mail delivery and UPS on the following parties:

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