

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 2:12-cv-179-MHT-WC
)	
THE STATE OF ALABAMA and)	
BETH CHAPMAN,)	
SECRETARY OF STATE)	
OF ALABAMA, in her official capacity,)	
)	
Defendants.)	
)	
)	
)	

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Plaintiff United States of America (“United States”), pursuant to Rule 65 of the Federal Rules of Civil Procedure, respectfully seeks immediate injunctive relief against Defendants to enforce the rights of uniformed services and overseas voters (“UOCAVA voters”) to vote by absentee ballot in the State of Alabama’s March 13, 2012 Federal primary election and its April 24, 2012 Federal runoff primary election, if such an election is necessary, as guaranteed by the Uniformed and Overseas Citizens Absentee Voting Act (“UOCAVA”), 42 U.S.C. §§ 1973ff to 1973ff-7, as amended by the Military and Overseas Voter Empowerment Act, Pub. L. No. 111-84, Subtitle H, §§ 575-589, 123 Stat. 2190, 2318-2335 (2009).

On February 24, 2012, the United States filed a complaint in this Court alleging violations of UOCAVA arising from Defendants’ failure to timely transmit UOCAVA ballots prior to the March 13, 2012 Federal primary election. Specifically, Defendants violated UOCAVA by failing to ensure that all timely-requested absentee ballots were transmitted to

qualified UOCAVA voters by the 45th day before the March 13, 2012 Federal primary election, thus depriving those voters of adequate time to receive, mark, and return their voted ballots in time to be counted in that election. *See* 42 U.S.C. §§ 1973ff-1(a)(8) & (g).

Accordingly, the United States hereby moves for a preliminary injunction and temporary restraining order requiring the Defendants to take such steps as are necessary to ensure that qualified UOCAVA voters from Alabama who made timely requests for absentee ballots for the March 13, 2012 Federal primary election are provided adequate time to receive, cast, and return their ballots in time to be counted in that election.

The basis for the United States' motion is set forth in the accompanying Memorandum of Points and Authorities in Support of United States' Motion for Temporary Restraining Order and Preliminary Injunction. A proposed order also accompanies this filing.

Respectfully submitted,

Date: February 27, 2012

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CERTIFICATE OF SERVICE

This is to certify that on February 27, 2012, a copy of the forgoing Motion and all accompanying documents, including exhibits and proposed order, have been electronically filed with the Clerk of Court using the CM/ECF system. Additionally, because counsel for the Defendants has not as yet entered an appearance, this also certifies that a copy of the foregoing has been sent via electronic mail to the following:

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Date: February 27, 2012

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