IN THE CIRCUIT COURT OF COLE COUNTY
STATE OF MISSOURI

KATHLEEN WEINSCHENK,
WILLIAM KOTTMEYER, ROBERT
PUND, AMANDA MULLANEY,
RICHARD VON GLAHN and GIVE
MISSOURIANS A RAISE, INC.,

     Plaintiffs,

v.

                                No.

STATE OF MISSOURI,

and

ROBIN CARNAHAN, SECRETARY
OF STATE,

     Defendants.

MOTION FOR PRELIMINARY INJUNCTION

Plaintiffs hereby move for a preliminary injunction against

implementation and enforcement of the Photo ID Requirement and certain

other provisions of the Missouri Voter Protection Act ("MVPA") signed into

law by Governor Matt Blunt on June 14, 2006. Unless enjoined, the MVPA is

scheduled to become effective on August 28, 2006. The grounds for this

motion are fully set forth in the accompanying Memorandum. To

summarize:

     1.   The Photo ID Requirement violates multiple provisions of the

Missouri Constitution:

          a.   It constitutes an impermissible additional qualification to
               vote in violation of Article VIII, Section 2 (Count I).

b. It violates the prohibition on interference with the "free exercise of the right of suffrage" and the requirement that "all elections shall be free and open" contained in Article I, Section 25 (Count II).

c. It requires the payment of money to vote, in violation of the Equal Protection Clause in Article I, Section 2 (Count III).

d. It constitutes an undue burden on the fundamental right to vote that is not narrowly tailored to meet a compelling state interest, in violation of the Due Process and Equal Rights Protection Clauses in Article I, Sections 10 and 2, respectively (Count IV).

e. It was designed to, and does, disparately impact registered voters in suspect classes, including African-Americans, in violation of the Equal Protection Clause in Article I, Section 2 (Count V).

f. It improperly discriminates between in-person voters, who are required to show a Photo ID, and absentee voters, who are not required to show a Photo ID, in violation of the Equal Protection Clause in Article I, Section 2 (Count VI).

g. It, and other provisions in the MVPA, violate the Hancock Amendment (Article X, Sections 16 and 21) because they increase costs to local election authorities without any state appropriation to pay for those costs (Count VII).

2. Unless enjoined, the Photo ID and other challenged provisions of the MVPA will become effective August 28, 2006.

3. This motion seeks a preliminary injunction prior to that time to maintain the status quo until this action can be finally decided. *See e.g. Dodson v. City of Wentzville*, 133 S.W.3d 528, 537 (Mo. Ct. App. 2004) ("An injunction is the appropriate remedy to preserve the status quo and prevent

irreparable injury to the plaintiff pending disposition of the case on the merits.")
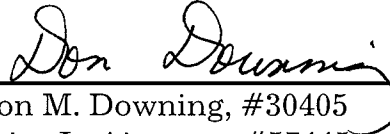
4.   All factors to be considered weigh heavily in favor of issuance of a preliminary injunction:

   a.   There is a high probability that plaintiffs will be successful on the merits on one or more of their claims.

   b.   Plaintiffs will suffer irreparable harm if the preliminary injunction is not granted.

   c.   The balance between this harm and the harm that issuance of the preliminary injunction would have on other interested parties (which is none) tips strongly in favor of issuance.

   d.   Issuing a preliminary injunction would be in the public interest.

See State ex rel. Director of Revenue v. Gabbert, 925 S.W.2d 838, 839 (Mo. 1996) (setting forth factors to be considered in determining whether to issue a preliminary injunction.)

WHEREFORE, plaintiffs pray that the Court issue a preliminary injunction before August 28, 2006, against Defendants, their agents, servants, officers and others acting in concert with them (including all local election authorities) from enforcing or implementing the Photo ID Requirement and certain other provisions of the MVPA to maintain the status quo until a final decision can be reached.

GRAY, RITTER & GRAHAM, P.C.

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