

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

PHILLIP LEMONS, et al,

Plaintiffs,

Case No. CV 07-1782-MO

v.

BILL BRADBURY, et al

Defendants.

**ORDER GRANTING PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

This matter came before the Court on plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction staying the January 1, 2008, effective date of HB 2007. Plaintiffs allege that they are Oregon voters who signed petitions for Measure 303, a referendum petition seeking to repeal HB 2007. Plaintiffs allege defendant county election officials and the defendant Secretary of State wrongfully excluded their signatures on petitions for Measure 303 for alleged failure to match their official voter registration record signatures, and that defendants' actions violate equal protection and procedural due process under the First and Fourteenth Amendments of the United States Constitution, as well as comparable provisions of the Oregon Constitution.

~~The Court finds that, under controlling Ninth Circuit precedent, plaintiffs' right to sign petitions for a referendum and to have their signatures properly verified by election officials is a fundamental right, subject to strict scrutiny under the Equal Protection Clause. The Court further finds that the right to sign petitions for a referendum and to have their signatures properly verified by election officials may not be abridged without procedural due process. The Court finds that plaintiffs will suffer irreparable harm if the effective date of HB 2007 is not enjoined. The Court further finds that plaintiffs have demonstrated a probability of success on the merits.~~

Therefore, for good cause shown, the Court GRANTS plaintiffs' motion for a temporary restraining order and preliminary injunction and hereby enjoins the defendants, their agents, employees, and assigns from implementing HB 2007 until the Court makes a determination on the merits of plaintiffs' request for permanent relief. The Court will conduct a hearing on the permanent injunction on February 1, 2008 at 2:00 PM.

IT IS SO ORDERED this 31st day of December, 2007.


Michael Mossman, Judge
United States District Court