

STATE OF INDIANA) IN THE MARION SUPERIOR COURT
)SS.
 COUNTY OF MARION) CAUSE NO. 49D11-0810-MI-047860

APRIL HERRING, SHAWN HERRING,)
 GREATER INDIANAPOLIS NAACP)
 BRANCH # 3053,)

Plaintiffs,)

vs.)

MARION COUNTY ELECTION BOARD,)

Defendant.)

FILED
 (167) OCT 24 2008
Elizabeth A. White
 CLERK OF THE MARION CIRCUIT COURT

ORDER

Plaintiffs Herring and Greater Indianapolis NAACP Branch #3053 filed their Verified Complaint for Temporary Restraining Order, Preliminary Injunction and Declaratory Relief. The Court, having considered the matter, hereby enters this order, which has been tendered by the parties by agreement.

It is hereby ORDERED:

1. The appearance of a name or property on any list or directory of purported foreclosures or eviction notices cannot serve as the sole basis for the challenge to any voter whose name appears on the precinct poll list and any challenge on that basis is contrary to Indiana law.
2. Defendant shall not reject, after the election, any provisional ballots that may be cast by voters whose eligibility to vote has been challenged solely on information pertaining to foreclosure or eviction, including but not limited to the appearance of a name or property on a foreclosure list or eviction notice.
3. Defendant shall issue a public statement within three calendar days of this Order that publicize that foreclosure or eviction, in and of themselves, is not a permissible basis for challenging voters on Election Day, challenges based solely on such grounds will be rejected, and that Defendant remains committed to ensuring that eligible voters can cast their ballots during the November 4, 2008, election. Defendant shall post the public statement on its website.
4. Defendant shall distribute this Order issued by the Court to any party authorized to issue challenger credentials under IC 3-6-7 and instruct those parties to distribute a copy of this Order, distribute the public statement described in paragraph 3 of this Order along with any challenger credentials issued under IC 3-6-7. Counsel for the Marion County Democratic and Marion County Republican Parties have represented that they will comply with this Order.

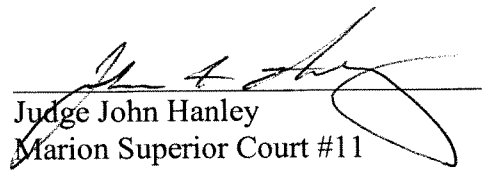
5. Except as otherwise provided by law, and upon written request by counsel for Plaintiffs, Defendant shall provide to counsel for Plaintiffs a copy of all PRE-4 challenge affidavits issued in Marion County that may be submitted during the November 4, 2008 election within 10 days of such election.

6. Defendant agrees to revise its training program following the November 4, 2008, federal election to provide instruction and guidance which makes clear that challenges based on foreclosure are impermissible in advance of the next regularly scheduled election.

7. A copy of this Order shall be distributed to the chairpersons of the Marion County Democratic, Libertarian, and Republican Parties.

SO ORDERED

Date: 10/24/08


Judge John Hanley
Marion Superior Court #11

Distribution List:

Nathaniel Lee
Cherry Malichi
Lee, Cossell, Kuehn & Love LLP
127 E. Michigan Street, Fifth Floor
Indianapolis, IN 46204

Jenigh J. Garrett
Assistant Counsel, NAACP Legal Defense & Educational Fund, Inc. (LDF)
99 Hudson Street, Suite 1600
New York, New York 10013

Kristen Clarke
Co-Director, Political Participation Project
NAACP LDF, Inc.
1444 Eye St., N.W., 10th Fl.
Washington, D.C. 20005

Chris W. Cotterill
Corporation Counsel, City of Indianapolis
1601 City-County Building, 200 East Washington Street
Indianapolis, IN 46204

A. Scott Chinn
Baker & Daniels LLP
300 North Meridian Street, Suite 2700
Indianapolis, IN 46204