

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA**

<hr style="border: 0.5px solid black; margin-bottom: 5px;"/> ROBERT L. SCHULZ, JAMES CONDIT JR.,) JENNIFER MAKI; PAM WAGNER; TROY) D. REHA; GINGER CORBETT; ROGER) LEAHY; and WALTER REDDY,)) Plaintiffs)) -against-))) STATE OF IOWA, David A. Vaudt, State) Auditor; STORY COUNTY, Mary Moisman,) Commissioner of Elections; and IOWA) REPUBLICAN PARY, Ray Hoffman,) Chairman,)) Defendants))	ORDER <u>TO SHOW CAUSE</u> No.
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Upon the annexed Verified Complaint and Declarations, together with the exhibits annexed thereto,

LET the defendants STORY COUNTY, Mary Moisman, Commissioner of Elections; STATE OF IOWA, David A. Vaudt, State Auditor; and IOWA REPUBLICAN PARY, Ray Hoffman, Chairman, show cause at the United States District Courthouse, 123 East Walnut Street, Des Moines, Iowa 50309 at _____ o'clock in the _____ noon, on the _____ day of August, 2007, why an ORDER should not be made:

- a) permanently enjoining defendants from conducting “Straw Polls”, or any caucus, primary, special, general or other election unless such election is open, verifiable, machine-free, and computer-free, and
- b) preliminarily enjoining and prohibiting Defendants from conducting any “straw poll,” caucus, primary, special, general or other election unless such election is open, verifiable, machine-free, and computer-free, until the issues presented and raised in this case are finally determined, and
- c) temporarily enjoining and prohibiting Defendants from conducting the Iowa Straw Poll currently scheduled for August 11, 2007 unless Defendants agree to implement the following ten-point procedure during the Iowa Straw Poll election:

1. From the time the voter votes to the time the results of the vote are publicly announced, all paper ballots are never out of the view of the public.
2. Each completed paper ballot is deposited into a numbered, clear-plastic, container that is in clear public view to the public throughout the day. The numbers are 4 inches high, black on white.
3. Each candidate on the ballot has the Right to have an observer present for an inspection by the County Defendant of each container. The inspection of each container is to take place no earlier than 9:50 am on the day of voting.
4. Surrounding each vote station at a distance of approximately 25-30 feet from the numbered clear plastic container is a rope beyond which any person can quietly stand to quietly observe and record by video recording device the clear-plastic containers and the number of voters.

5. As the voting period ends, each ballot box is set on one of two 6-8 foot long cafeteria-style tables that have been set up at each of the 60 voting stations. There, the ballots are separated and hand-counted.
6. Aside from two members of the staff of the County or State Defendants, each candidate on the ballot may have a representative participate in the ballot counting process. All County, State and candidate Vote Counters must agree on the candidate allocation of each vote and the count. Once all Counters are in agreement on the allocation and the count of the votes, the result of the count is read aloud for public consumption. After tallying the ballots for each candidate, the appropriate County or State staff Vote Counters will then each certify, under penalty of perjury, the vote totals for each candidate cast at the vote station they are responsible for counting.
7. The paper ballots are then returned to the numbered, clear-plastic containers, sealed pursuant to Iowa law, and then transported to a central counting location, along with the certifications of the vote station's totals -- **never out of view of the County, State and candidate Vote Counters or the general public.**
8. At the central location, the containers are placed inside an area that has been roped off. Within the roped off area, chairs have been set up for the County, State and candidate Vote Counters. **The central location shall be open to the public during the entire process** including the receipt of ballots, the aggregation of vote station sub-totals and final custodial disposition of the ballots and vote count certifications.
9. As each numbered ballot container arrives at the central location, the identification number of the voting station, the ballot container number and the results of the hand-counted vote will be read aloud by one of the County vote counters and entered into a computer spreadsheet for live video projection onto public viewing screens within the counting room and also throughout the event venue as is possible. The spreadsheet will consist of (1) column for each candidate, (1) row for each voting station, and will contain automated total fields for each row and column that will update automatically as vote data is entered. Immediately after the entry of data from each voting station, a separate, individually and sequentially named copy of the master spreadsheet file will be saved to the computer's hard drive and to a separate CD-ROM disc. Additionally, a hard-copy of

the spreadsheet will be printed out following the entry of each vote station's data, signed by the Auditor with the time/date noted, and preserved as part of the official election record.

10. After the results of the vote from each of the 60 vote stations are collected, entered and read aloud, and the cumulative (grand) totals from the hand-counts are agreed to by the county and candidate Counters, the final totals will then be immediately certified by the State Auditor/Commissioner of Elections, publicly read aloud and pronounced as the final election result. Copies of the final vote spreadsheet in both electronic format and hard copy will then be made immediately available to Candidate representatives and those interested members of the public and/or media within the central counting room. Following the Straw Poll event, the ballots, certifications, totals and computer spreadsheet will be turned over to the custody of the Story County Commissioner of Elections for secure storage, pursuant to the legal requirements for an Iowa General Election. The Commissioner/Auditor will make xerox copies of the vote certifications and spreadsheet(s) available to the public for only a nominal copying cost. The State and County Auditors will post the vote spreadsheet and appropriate certifications of the totals on their respective websites as soon as is practicable, and

- d) For such other and further relief as to the Court may seem just and proper.

LET, service of a conformed copy of this order served upon the Defendants by Facsimile or by personal service by ____ o'clock in the ____ noon on the ____ day of August, 2007 be deemed good and sufficient service.

DATED: Des Moines, Iowa
August ____, 2007

Hon.
United States District Court Judge
Southern District of Iowa