

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

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NATIONAL ASSOCIATION FOR THE ADVANCEMENT
OF COLORED PEOPLE STATE CONFERENCE OF
PENNSYLVANIA (“NAACP-SCP”), et al.

CIVIL ACTION

Plaintiffs,

– against –

PEDRO A. CORTÉS, SECRETARY OF THE
COMMONWEALTH OF PENNSYLVANIA, et al.;

No. 08-5048

Defendants.
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PROPOSED ORDER

AND NOW, this ____ day of _____, 2009, for the reasons set forth in the
Memorandum and Order of October 29, 2008, it is hereby ORDERED that:

1. the motion of plaintiffs for a permanent injunction is GRANTED;
2. Defendant Pedro A. Cortés, the Secretary of the Commonwealth of Pennsylvania,
and his successors, are permanently ENJOINED to direct forthwith all county boards of elections
throughout the Commonwealth of Pennsylvania as follows:

If 50% of electronic voting machines in a precinct are inoperable, “paper ballots,
either printed or written and of any suitable form,” for registering votes (described
herein as “emergency back-up paper ballots”) shall be distributed immediately to
eligible voters pursuant to section 1120-A(b) of the Election Code. Emergency
back-up paper ballots shall be used thereafter until the county board of elections is
able to make the necessary repairs to the machine(s) or is able to place into
operation a suitable substitute machine(s);

3. Defendant Pedro A. Cortés, the Secretary of the Commonwealth of Pennsylvania,
and his successors, are further ENJOINED to advise, forthwith, the county boards of elections
throughout the Commonwealth of Pennsylvania of the above-described directive and the entry of
this Order.

BY THE COURT:

The Hon. Harvey Bartle III, C.J.