



an application to vacate the Eighth Circuit's stay. See Brakebill v. Jaeger, No. 18A335, 2018 WL 4901222, at \*1 (U.S. Oct. 9, 2018).

The federal courts are unanimous in their judgment that it is highly important to preserve the status quo when elections are fast approaching. See Purcell v. Gonzalez, 549 U.S. 1, 4-5 (2006); Williams v. Rhodes, 393 U.S. 23, 34-35 (1968); Veasey v. Perry, 769 F.3d 890, 892-95 (5th Cir. 2014). "Court orders affecting elections, especially conflicting orders, can themselves result in voter confusion and consequent incentive to remain away from the polls. As an election draws closer, that risk will increase." Purcell, 549 U.S. at 4-5.

In this case, early voting has already begun. Election day is less than one week away. The allegations in the complaint, the motion for a temporary restraining order, and the attached affidavits give this Court great cause for concern. The allegations will require a detailed response from the Secretary of State as this case proceeds. The litany of problems identified in this new lawsuit were clearly predictable and certain to occur as the Court noted in its previous orders in *Brakebill v. Jaeger*. However, a further injunction on the eve of the election will create as much confusion as it will alleviate, and is foreclosed by precedent which is hesitant to permit "eleventh-hour changes to election laws." See Veasey, 769 F.3d at 895.

The Court has carefully reviewed the entire record and finds the issuance of an emergency temporary restraining order unwarranted given the importance of avoiding further confusion and chaos on the eve of an election. Accordingly, the motion for a temporary restraining order (Doc. No. 8) is **DENIED**.

**IT IS SO ORDERED.**

Dated this 1st day of November, 2018.

/s/ Daniel L. Hovland  
Daniel L. Hovland, Chief Judge  
United States District Court