

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division**

MCCAIN-PALIN 2008, INC.,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:08CV709
)	
JEAN CUNNINGHAM,)	
Chairman, Virginia State Board of Elections;)	
HAROLD PYON, Vice-Chairman, Virginia State)	
Board of Elections; and NANCY RODRIGUES,)	
Secretary, Virginia State Board of Elections,)	
)	
Defendants.)	
)	
_____)	

**ORDER GRANTING PLAINTIFF UNITED STATES’ MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

On November 14, 2008, the United States filed a Motion for Temporary Restraining Order and Preliminary Injunction, seeking immediate injunctive relief against Defendants in order to enforce the right of absent uniformed services and overseas voters under the Uniformed and Overseas Citizens Absentee Voting Act of 1986, 42 U.S.C. §§ 1973ff to 1973ff-6 (“UOCAVA” or “the Act”), to vote by absentee ballot in the November 4, 2008, general federal election. After reviewing such Motion and corresponding arguments in support of and in opposition to such Motion, this Court hereby **ORDERS**:

(1) That Defendants take all steps necessary to ensure that Virginia election officials count as validly cast ballots any absentee ballots from UOCAVA voters that were executed by November 4, 2008 and are received by 7:00 p.m. on November 14, 2008, provided that they

otherwise satisfy the requirements of Virginia law.

The Court retains jurisdiction of this action to enter such further relief as may be necessary for the effectuation of the terms of this Order, and for the entry of such relief as may abate, for future federal elections, the conditions that gave rise to the UOCAVA violations complained of in the United States' Complaint.

Date:

RICHARD L. WILLIAMS
SENIOR UNITED STATES DISTRICT JUDGE