

Exhibit J

IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA,

Plaintiff,

v.

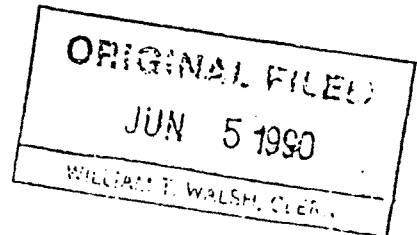
STATE OF NEW JERSEY;
JOAN HABERLE, SECRETARY OF STATE
OF THE STATE OF NEW JERSEY;
ATLANTIC COUNTY BOARD OF ELECTIONS;
BERGEN COUNTY BOARD OF ELECTIONS;
BURLINGTON COUNTY BOARD OF ELECTIONS;
CAMDEN COUNTY BOARD OF ELECTIONS;
CAPE MAY COUNTY BOARD OF ELECTIONS;
CUMBERLAND COUNTY BOARD OF ELECTIONS;
ESSEX COUNTY BOARD OF ELECTIONS;
GLOUCESTER COUNTY BOARD OF ELECTIONS;
HUDSON COUNTY BOARD OF ELECTIONS;
HUNTERDON COUNTY BOARD OF ELECTIONS;
MERCER COUNTY BOARD OF ELECTIONS;
MIDDLESEX COUNTY BOARD OF ELECTIONS;
MONMOUTH COUNTY BOARD OF ELECTIONS;
MORRIS COUNTY BOARD OF ELECTIONS;
OCEAN COUNTY BOARD OF ELECTIONS;
PASSAIC COUNTY BOARD OF ELECTIONS;
SALEM COUNTY BOARD OF ELECTIONS;
SOMERSET COUNTY BOARD OF ELECTIONS;
SUSSEX COUNTY BOARD OF ELECTIONS;
UNION COUNTY BOARD OF ELECTIONS;
WARREN COUNTY BOARD OF ELECTIONS,

Defendants.

CIVIL ACTION NO.

90-2357 (JCL)

CONSENT DECREE



A. STIPULATIONS OF THE PARTIES

The United State of America, plaintiff; the State of New Jersey; Joan Haberle, Secretary of State of the State of New Jersey; and the 21 New Jersey County Boards of Elections, defendants, stipulate and agree that:

1. This action is brought by the Attorney General on behalf of the United States pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq. ("the Act").

2. This Court has jurisdiction of this action pursuant to 42 U.S.C. 1973ff-4 and 28 U.S.C. 1345.

3. The Act provides that United States citizens living abroad, both military and civilian, have the right to register and vote absentee in any federal election in the state in which they last resided. The Act has been held to provide that in order to allow overseas citizens a fair opportunity to vote by absentee ballot in a primary election for federal office, state or local election officials must mail the ballots to the voters on a date sufficiently in advance of election day to allow the voter to receive the ballot, cast his or her vote, and return the ballot to the appropriate election official by the state deadline for return of absentee ballots. United States v. State of Wyoming, C.A. No. C88-0238-B (D. Wyo., Aug. 16, 1988); United States v. Commonwealth of Pennsylvania, C.A. No. CV-88-0610 (M.D. Pa., April 25, 1988).

4. Defendant State of New Jersey is charged with the responsibility of assuring that New Jersey's election laws, as applied, comply with the provisions of the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq.

5. Defendant Joan Haberle, sued in her official capacity as Secretary of State of the State of New Jersey, is responsible for

certifying the results of federal elections in the state. County clerks receive absentee ballot applications and are responsible for mailing absentee ballots to voters. County boards of elections receive, count and tally such ballots.

6. The United States, by this action, seeks to ensure that United States citizens living abroad, who are qualified to vote in the federal primary election to be held in the State of New Jersey on June 5, 1990, and who have filed timely applications for absentee ballots, will be given a reasonable opportunity to execute and return such ballots and thus to have their ballots counted.

7. On June 5, 1990, primary elections for federal offices will be conducted in New Jersey. This primary election is part of the process for selecting nominees for the United States Senate and for the United States House of Representatives.

8. Election officials of the State of New Jersey have received timely requests for absentee ballots from civilian and military citizens overseas who are entitled to vote pursuant to the provisions of the Act.

9. Under New Jersey law, absentee ballots received after 8:00 p.m. on the date of the election are not counted. N.J. STAT. ANN. Sections 19:57-26, 19:59-11 (West 1989).

10. In order to allow overseas voters a fair opportunity to vote by absentee ballot, county clerks of New Jersey must mail the ballots to the voters on a date sufficiently in advance of election day to allow the voter to receive the ballot, cast his

or her vote, and return the ballot to the appropriate office of the county board of elections by 8:00 p.m. on election day. The United States Postal Service estimates that a period of 10 to 14 days is a reasonable benchmark from the time of posting to the time of delivery of international mail; the United States Department of State makes similar estimates. Thus, under these estimates, ballots must be mailed to the overseas voters at least 20 to 28 days prior to the deadline for their return. The Military Postal Service Agency estimates that 30 to 35 days are necessary for mail to make a complete round trip to and from an overseas locale.

11. In many counties in New Jersey, county clerks mailed absentee ballots to overseas citizens (who have filed timely requests) less than 30 days in advance of June 5, 1990.

12. The failure to mail absentee ballots to overseas citizens on a date sufficiently in advance of June 5, 1990 so as to allow the voting and return of ballots by 8:00 p.m. on that date may deprive United States citizens living overseas of an opportunity to vote in the June 5, 1990 federal primary election in violation of the Act.

13. To ensure that all citizens abroad, protected under the Act and qualified to vote in New Jersey, have a reasonable opportunity to have ballots counted in the June 5, 1990 primary, it is appropriate for this Court to enter an order extending by ten days the deadline for receipt of ballots. Under this extension, overseas ballots for which applications are postmarked

by the voter on or before June 5, 1990 and which are received by the appropriate county board of elections before 5:00 p.m. on June 15, 1990, will be accepted and tabulated in the final federal election results.

14. The Attorney General of the State of New Jersey hereby agrees to accept service of process on behalf of Defendants State of New Jersey, the Secretary of State and the 21 New Jersey County Boards of Elections.

This consent decree is final and binding as to all issues resolved herein.

B. ORDER

WHEREFORE, the parties having freely given their consent, and the terms of the decree being fair, reasonable, and consistent with the requirements of the Uniformed and Overseas Citizens Absentee Voting Act,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The defendants shall take all steps necessary to ensure that all ballots cast by citizens located abroad under the Act, for which applications were received on or before May 7, 1990, which are postmarked by the voter on or before June 5, 1990 and which are received before 5:00 p.m. on June 15, 1990, by the appropriate election officials, are counted for the United States Senate and the United States House of Representative nominations as validly cast ballots, so long as the ballots would have been counted if they had been received by 8:00 p.m., Tuesday, June 5, 1990.

2. The parties shall notify the Director of the United States Department of Defense's Federal Voting Assistance Program (FVAP) as soon as this decree has been signed and request that the FVAP take such action as is necessary to notify overseas voters of the extension of time for receipt by New Jersey election officials of such ballots. The state shall assist the FVAP to publicize such extension of time.

3. Within 45 days after June 5, 1990, defendants shall file a report with this Court, with respect to the June 5, 1990, primary election, which sets forth the following information:

(a) the dates on which each county in the State of New Jersey began and completed the process of mailing ballots to citizens located abroad;

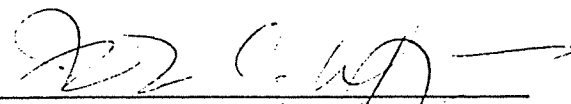
(b) the number of valid absentee ballots, by county, received and counted by 8:00 p.m., Tuesday, June 5, 1990;

(c) the number of absentee ballots, by county, received and counted after 8:00 p.m., June 5, 1990, but prior to 5:00 p.m. on June 15, 1990, from citizens living abroad; and

(d) the number of absentee ballots, by county, received from citizens located abroad later than 5:00 p.m. on June 15, 1990, and for that reason not counted.

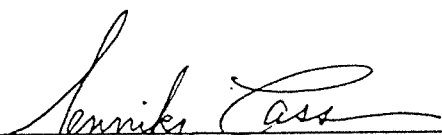
4. The Court retains jurisdiction of this action for the purpose of enforcing the foregoing provisions.


ORDERED this 5th day of June 1990.


United States District Judge

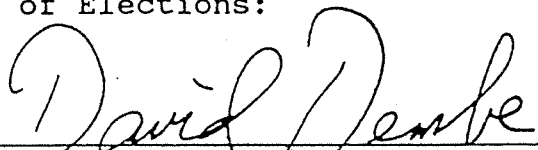
The undersigned agree to the entry of this Decree.

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