

# Exhibit N

Original

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
UNITED STATES OF AMERICA,

Plaintiff,

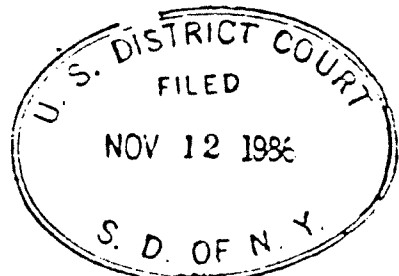
- against -

NEW YORK CITY BOARD OF ELECTIONS,  
et al.,

Defendants.  
-----x

ORDER

86 Civ. 8583 (RWS)



WHEREAS the plaintiff United States of America ("plaintiff") commenced this action by service of a complaint on defendants on November 7, 1986, pursuant to the Federal Voting Assistance Act of 1955, as amended, 42 U.S.C. § 1973cc(b), and the Overseas Citizens Voting Rights Act, as amended, 42 U.S.C. § 1973dd, et seq. ("Federal Acts"); and

WHEREAS the plaintiff alleged that, pursuant to those Federal Acts, the defendant New York City Board of Elections ("Board of Elections" or "the Board") and the individually named defendant members of said Board (collectively, "defendants") were obligated to send out absentee, military, and special Federal ballots to overseas voters ("overseas ballots") 45 days in advance of the final date for counting said ballots but had not done so; and

WHEREAS the plaintiff sought temporary injunctive relief compelling defendants to accept and to count as timely received all overseas ballots postmarked on or before November 3, 1986 ("appropriately postmarked") and received at the Board by November

18, 1986, and submitted in support an accompanying memorandum of law with appended declarations of Henry Valentino, Director of the Federal Voting Assistance Program in the Department of Defense, executed on November 3, 1986 ("Valentino aff."), and of Lora L. Tredway, an attorney in the Voting Section of the Civil Rights Division of the United States Department of Justice, executed on November 5, 1986, in support of such relief; and

WHEREAS the defendants opposed the plaintiff's application for temporary relief and submitted in support of such opposition the affidavits of Jonathan Pines and of Betty Dolen, both sworn to the 11th day of November, 1986, alleging that (1) there was no express federal provision defining the "reasonable" time in advance of election day by which to mail such ballots; (2) there was no way to ascertain whether the delays in mailing ballots alleged by the plaintiff were attributable to defendants or to the late arrival (but subsequent timely processing) of requests for overseas ballots, and (3) as a consequence, the plaintiff had not established a clear violation of the Federal Acts; and

WHEREAS, on November 11, 1986, the Court heard argument on the plaintiff's application and, after due deliberation thereon and after consideration of all papers and proceedings had herein;

NOW, upon the findings of fact and conclusions of law stated in the record on November 11, 1986, a copy of which is attached and incorporated herein by reference, it is:

HEREBY ORDERED ADJUDGED AND DECREED as follows:

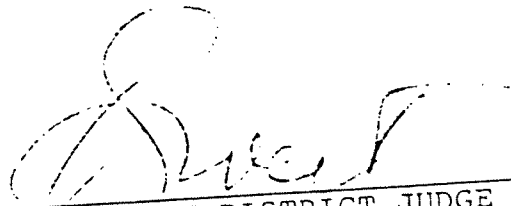
1. The application for a temporary restraining order shall be treated as an application for a preliminary injunction.

2. Defendants, their agents, officers, and employees are enjoined from failing or refusing to take such steps as are necessary to ensure that the following ballots for federal offices in the November 1986 general election are counted as validly cast ballots: ballots cast by voters protected by the Overseas Citizens Voting Rights Act of 1975, 42 U.S.C. 1973dd et seq., or the Federal Voting Assistance Act of 1955, 42 U.S.C. 1973cc(b), which are signed and dated and postmarked by the voters on or before November 3, 1986, and received on or before November 14, 1986, by the appropriate election officials, so long as the ballots would have been counted if they had been received by the close of the polls on election day.

3. At its regularly scheduled canvassing of written (including overseas) ballots on November 12, 1986, defendants shall inform those persons who actually appear for such canvassing that a second canvassing will take place on a date to be announced by defendants, as soon as practicable after November 14, 1986, for the counting of any additional ballots postmarked on or before November 3, 1986 that are received between the close of business

on November 12th and the close of business November 14th  
("the subsequent canvassing"). Any person who is entitled  
by law to appear on November 13, 1986 but does not do so  
shall be deemed to have waived the right to appear at the  
subsequent canvassing.

Dated: New York, New York  
November 12, 1986

  
UNITED STATES DISTRICT JUDGE