

Exhibit P

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

IN THE UNITED STATES DISTRICT COURT NOV 5 1984
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

CARL R. BRENTS, CLERK
By: _____
PLAINTIFF

UNITED STATES OF AMERICA

v.

No. LR-C-84-924

STATE OF ARKANSAS, et al.

DEFENDANTS

PRELIMINARY INJUNCTION

Pending before the Court is the United States' Application for a Temporary Restraining Order and Motion for Preliminary Injunction. Because representatives of most named parties have appeared before the Court and no factual dispute exists, the Court is of the opinion that it should resolve the issue forthwith. The Court hereby adopts its discussion of the facts and the law made in open court on November 2 and November 5 and finds:

1. Certain named defendants and class-member defendants have failed in their official capacities to take such steps as are necessary to ensure that those individuals located outside the United States on election day, who are qualified to vote absentee pursuant to the Overseas Citizens Voting Rights Act of 1975, as amended, 42 U.S.C. 1973dd et seq., or the Federal Voting Assistance Act of 1955, as amended, 42 U.S.C. 1973cc(b), the laws of the State of Arkansas, and who have applied for absentee ballots at least 30 days before the November 6, 1984, election, will be given a reasonable opportunity to execute and return such ballots before the close of the polls on November 6, 1984 (the deadline for receipt of such ballots).

2. Specifically, absentee ballots have not been sent out to citizens residing overseas early enough to allow those ballots to be executed and returned by the close of the polls on election day.

3. The late mailing of absentee ballots to overseas citizens, coupled with the state and federal requirement that ballots be received by the close of the polls on election day in order to be counted, violates the Overseas Citizens Voting Rights Act, the Federal Voting Assistance Act, and the laws of the State of Arkansas.

4. An Order extending the deadline for the receipt of such ballots by ten days could not reasonably be expected to delay the final certification of results of the general election of November 6, 1984, or cause other significant harm to the defendants or the public.

5. Issuance of this Order will serve the public interest by protecting the right to vote of American citizens overseas, as that right is set forth in the Overseas Citizens Voting Rights Act and the Federal Voting Assistance Act.

Therefore, it is hereby Ordered, Adjudged and Decreed that the defendants, their agents, officers and employees, and all those persons in active concert or participating with them who receive actual notice of this Order by personal service or otherwise, are restrained from failing or refusing to take such steps as are necessary to ensure that the following ballots for

federal offices in the November 1984 general election are counted as validly cast ballots:

Absentee ballots applied for not later than 30 days immediately prior to said election pursuant to 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), by persons outside the United States on election day which are signed and dated by the voters on or before November 6, 1984, legibly postmarked on or before November 6, 1984, and received on or before 5:00 p.m. on November 16, 1984, by the appropriate election officials, so long as said ballots would have been counted if they had been received by the close of the polls on election day.

It is further Ordered that defendants shall immediately inform all local election officials in the State of the provisions of this Order.

It is further Ordered that within 45 days after the 1984 general election, defendants shall file a report with this Court, with respect to the 1984 federal elections, which sets forth the following information:

1. the dates on which each county began and completed the process of mailing ballots to citizens located in a foreign country for voting in the general election;

2. the number of valid absentee ballots, by county, received before the close of the polls in the general election from citizens located in a foreign country;

3. the number of absentee ballots and the date of their receipt, by county, in the general election received after November 6, 1984, which were counted pursuant to this Order; and

4. the number of absentee ballots, by county, in the general election which were received after the close of the polls on election day from citizens located in a foreign country but not counted because signed or postmarked after November 6 or received after the close of business on November 16, 1984.

Dated this 5th day of November, 1984.

Darnell Thomas Cook
United States District Judge