

Exhibit Q

IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,)
)
 Plaintiff,) INDEX NO.
)
 v.) 76-CV-440
)
 THE NEW YORK STATE BOARD OF)
 ELECTIONS: STEPHEN MAY,)
 REMO ACITO, DONALD RETTALIATA) ORDER
 and WILLIAM McKEON, Members)
 of the New York State Board)
 of Elections,)
)
 Defendants.)

The plaintiff, United States of America, having moved for a preliminary injunction and the Court having considered the pleadings, affidavits and memoranda that have been filed, and having conducted a hearing on the motion, concludes that:

(a) Section 349-b of the New York State Election Law provides that special federal ballots shall be mailed to duly registered special federal voters no later than 25 days before the election, which date was October 8, 1976;

(b) Special federal ballots cast pursuant to Article 14-B of the New York State Election Law must be received by the close of the polls on election day in order to be counted pursuant to that statute, and there is no State statute authorizing the counting of such ballots received after such time;

(c) Pursuant to Section 70 of the New York State Election Law, defendant New York State Board of Elections was required to certify the candidates to appear on the ballot for the November, 1976 general election on October 8, 1976;

(d) Upon receipt of such certifications, the local boards print or have printed the ballots to be used in the general election, and forward such ballots to those overseas individuals who had registered to vote absentee;

(e) In major urban counties in the State the mailing out of the absentee ballots did not actually begin until the

I certify that
This is a true copy
Date 11/5/80

latter part of the month of October and, in some cases, continued through Wednesday, October 27, 1976;

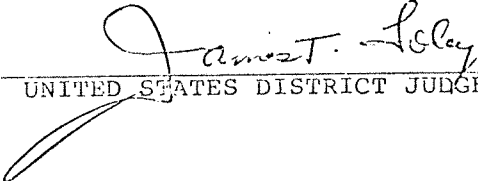
(f) The effect of these mailings is substantial as indicated in Appendix A:

(g) Thus, requirements of Section 349-b were rendered impossible of performance by virtue of the late certification date established by Section 70 and as a result thereof, many citizens who formerly resided in New York State and who now reside overseas were not given a reasonable opportunity to cast and return their ballots as is required by the Overseas Citizens Voting Rights Act of 1975 and.

WHEREFORE, it is hereby ORDERED, ADJUDGED and DECREED that defendant New York State Board of Elections shall notify all local boards of elections and order them pursuant to this order to count all special federal ballots postmarked no later than November 2, 1976 and received no later than November 12, 1976.

Done this 4th day of November, 1976.

Office Court - Manhasset Neck, Long, N.Y. - 10:40 A.M.


UNITED STATES DISTRICT JUDGE

APPENDIX A

<u>County</u>	<u>No. Overseas Citizens Applied For</u>	<u>No. Received by 9:00 p.m. Tuesday</u>
Albany	65	25
Allegany	10	3
Broome	34	
Cattaraugus	2	1
Cayuga	0	0
Chautauqua	16	10
Chemung	18	14
Chenango	0	0
Clinton		
Columbia	3	2
Cortland	2	2
Delaware	4	1
Dutchess	50	41
Erie		
Essex	2	2
Franklin	0	0
Fulton	1	0
Genesee	17	12
Greene	8	4
Hamilton	0	0
Herkimer	7	2
Jefferson	6	3
Lewis	5	3
Madison	5	3
Montgomery	9	4
Livingston	2	0
Monroe	230	166
Nassau		
Niagara	26	18
Oneida	51	23

The Appendix data was compiled by the defendant State Board of Elections from telephone calls between such Board and the local boards of elections in New York State.

<u>County</u>	<u>No. Overseas Citizens Applied For</u>	<u>No. received by 9:00 p.m. Tuesday</u>
Onondaga		
Ontario		
Orange	10	5
Orleans		
Oswego	4	2
Otsego	1	
Putnam	0	
Rensselaer	25	25
Rockland	175	66
St. Lawrence	4	3
Saratoga	3	1
Schenectady	40	23
Schoharie	0	0
Schuyler	0	0
Seneca	3	1
Steuben	14	8
Suffolk	352	194
Sullivan	15	11
Tioga	8	5
Tompkins	54	49
Ulster	67	33
Warren	0	0
Washington	0	0
Westchester	747	343
Wyoming	2	1
Yates	9	8
Bronx	140	75
Queens	1200	443
New York	3012	781
Kings	1023	6
Richmond	126	6
Staten Island	11	5

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NORTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,
Plaintiff,

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THE NEW YORK STATE BOARD OF
ELECTIONS: STEPHEN MAY,
REMO ACITO, DONALD RETTALIATA
and WILLIAM MCKEON, Members
of the New York State Board
of Elections,

Defendants.

ORDER

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CIVIL ACTION No. 76-CV-440

U. S. DISTRICT COURT

N. D. C. N. Y.

FILED

NOV 4 1976

W. R. SCHUBERT, Clerk

Albany, N. Y.

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