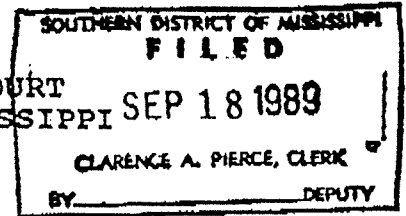


Exhibit O

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION



UNITED STATES OF AMERICA

Plaintiff

vs.

CIVIL ACTION NO. J89-0529(2)

STATE OF MISSISSIPPI AND THE
MISSISSIPPI STATE BOARD OF
ELECTION COMMISSIONERS

Defendants.

CONSENT DECREE FOR SPECIAL ELECTION
FOR UNITED STATES REPRESENTATIVE FOR THE
FIFTH CONGRESSIONAL DISTRICT OF MISSISSIPPI

The United States of America brought this suit on September 18, 1989, to enforce the Uniform and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq., which, inter alia, guarantees to United States citizens living outside the United States, both military and civilian, the right to register and vote absentee in any federal election conducted by the state in which they last resided.

The parties stipulate that the following facts are true:

1. The death of Larkin Smith on August 13, 1989, creates a vacancy which must be filled by a special election.
2. The Mississippi Statutes governing the special elections for United States House of Representatives (§§23-15-853 and 23-15-833 Miss. Code Ann. (Supp. 1989)) require that such election be held no later than sixty (60) days after the vacancy in Congress occurs. They also require that the election be held on a date not less than forty (40) days after the issuance of the Governor's order or writ calling the election. Candidates are

required to qualify no later than twenty (20) days before the election. Section 23-15-833 requires that any runoff election be held two weeks after the date of the special election.

3. The Governor's Writ of Election was issued on August 23, 1989, calling for the special election to be held October 3, 1989. September 13, 1989, was the last day individuals could qualify for this election. October 17, 1989, is the date for any runoff election.

4. Section 23-15-853 provides among other things that the special election for United States Representative will be conducted in all respects as provided for special elections to fill vacancies.

5. Defendants believe that the time constraints imposed by these statutes do not permit individuals located outside the United States, who are registered to vote in the Fifth Congressional of Mississippi and who are otherwise eligible to vote absentee pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff et seq., to timely request and receive a state absentee ballot in accordance with the Mississippi Armed Services Absentee Voting Law. §§23-15-631 et seq., and the Uniformed and Overseas Citizens Voting Act, ibid.

6. There is not sufficient time for Defendants to provide a legislative remedy for the short length of time available to overseas voters to obtain and return their ballots for the upcoming special election.

7. The United States citizens located abroad who are eligible to vote in the Fifth Congressional District of the State of Mississippi will be irreparably harmed if they are not ensured a reasonable opportunity to exercise their right to vote in this special election.

WHEREFORE, the parties having freely given their consent and the terms of the decree being fair, reasonable and equitable

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Without this Decree, the State of Mississippi and the Mississippi State Board of Election Commissioners would not be able to provide American citizens located abroad and who are properly registered to vote in the Fifth Congressional District of Mississippi a reasonable opportunity to exercise their right to vote in the special election to fill the vacancy in the United States House of Representatives resulting from the death of Congressman Larkin Smith.

2. Absent uniformed services voters and overseas voters may use a Federal write-in absentee ballot for the special Congressional election for the Fifth Congressional District of Mississippi. For the purposes of this Decree, the Federal write-in absentee ballot shall be of that type specified by 42 U.S.C. 1973ff-2(a), however, it will not be necessary that such absent voters request or receive an absentee ballot from the appropriate county officials in order to vote by use of a Federal write-in absentee ballot.

3. The overseas voter shall be permitted to cast a Federal write-in absentee ballot for the special election and a Federal write-in absentee ballot for a runoff election by writing in the name of the candidate and clearly marking on the outside of each secrecy envelope "Special Election" or "Runoff Election". An overseas voter may elect not to cast a ballot for the "Runoff Election".

4. Defendants shall take appropriate steps, except as herein otherwise provided, to count as validly cast ballots any Federal write-in absentee ballots, marked "Special Election", received by the Circuit Clerks of the various counties within the Fifth Congressional District of Mississippi no later than 5:00 p.m. October 2, 1989, from any American citizen who is eligible to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act and who is properly registered within the Fifth Congressional District of Mississippi.

5. Defendants shall take appropriate steps, except as herein otherwise provided, to count as validly cast ballots any Federal write-in absentee ballots, marked "Runoff Election", received by the Circuit Clerks of the various counties within the Fifth Congressional District of Mississippi no later than 5:00 p.m. October 16, 1989, from any American citizen who is eligible to vote pursuant to the Uniformed and Overseas Citizens Absentee Voting Act and who is properly registered within the Fifth Congressional District of Mississippi.

6. Defendants shall inform all county registrars in the Fifth Congressional District to make a good faith effort to promptly mail state absentee ballots for the special Congressional election, including a state absentee ballot for a runoff election to all uniformed and overseas citizens who made proper and timely requests for state absentee ballots for the 1988 general election.

7. The Federal write-in ballot shall not be counted (a) if the ballot is submitted from any location within the United States; and (b) if a state absentee ballot of the overseas voter is received by the appropriate county official not later than the deadline for receipt of the state absentee ballot.

8. Defendants shall immediately inform all local election officials in the Fifth Congressional District of the provisions of this Decree.

9. All Federal and State Statutes in contravention of this Decree hereby are superseded with regard to the special election.

10. Plaintiff and Defendants shall notify the Director of the United States Department of Defense's Federal Voting Assistance Program (FVAP) upon entry of this Decree and request that the FVAP take such action as is necessary to notify overseas votes of the special election, and the availability of the Federal write-in absentee ballot for this special election for citizens who are properly registered to vote within the Fifth Congressional District of Mississippi.

11. The state defendants will seek to have the Mississippi Legislature amend state special election laws to insure that overseas absentee voters are provided with an opportunity to request, receive, and cast absentee ballots in future federal special elections.

DATED this 15th day of September, 1989.

/s/ Tom S. Lee

UNITED STATES DISTRICT JUDGE
FOR THE SOUTHERN DISTRICT OF
MISSISSIPPI

Approved as to form
and content:

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UNITED STATES OF AMERICA

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A TRUE COPY, I HEREBY CERTIFY.

Clarence A. Pierce, CLERK

By:

Clarence A. Pierce

Deputy Clerk