

3-25-02
Clerk, U. S. District Court
Western District of Texas
By [Signature]

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
Austin Division

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 THE STATE OF TEXAS;)
 GWYN SHEA, SECRETARY OF STATE)
 OF THE STATE OF TEXAS; TEXAS)
 REPUBLICAN EXECUTIVE COMMITTEE;)
 SUSAN WEDDINGTON, Texas Republican)
 Executive Committee Chairman;)
 TEXAS DEMOCRATIC EXECUTIVE COMMITTEE;)
 MOLLY BETH MALCOLM, Texas Democratic)
 Executive Committee Chair;)
)
 Defendants.)

Civil Action No.
A-02-CA-195-LA

~~Memorandum~~ ORDER

Before the Court is the Plaintiff's Complaint and Motion for Temporary Restraining Order and Preliminary Injunction, filed on March 22, 2002. Having considered Plaintiff's Complaint and Motion, all of the papers filed in support of and in opposition to the Motion, all evidentiary materials submitted by the parties, and the interests of justice, the Court is prepared to rule and hereby GRANTS Plaintiff's Motion for a Temporary Restraining Order and Preliminary Injunction.

THEREFORE, consistent with the requirements of the Uniformed and Overseas Citizens Absentee Voting Act,
IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. Those persons outside the United States who are qualified to vote in the State of Texas pursuant to the Uniformed

and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff-1, and who timely applied for absentee ballots from appropriate election officials for the April 9, 2002 federal primary runoff election, are permitted to use the Federal Write-in Absentee Ballot for voting in the April 9, 2002 federal primary runoff election.

2. The party defendants, Texas Republican Executive Committee, Susan Weddington, Texas Democratic Executive Committee, and Molly Beth Malcolm, shall take all steps necessary to ensure that appropriate election officials count as validly cast ballots those Federal Write-in Absentee Ballots which are completed by persons outside the United States who are qualified to vote in the State of Texas pursuant to the Uniformed and Overseas Citizens Absentee Voting Act, 42 U.S.C. 1973ff-1, and who timely applied for absentee ballots from appropriate election officials for the April 9, 2002 federal primary runoff election, as long as those ballots otherwise satisfy the requirements of Texas law and are received by appropriate election officials by the deadline established by state law. The State defendants shall assist the party defendants in notifying appropriate election officials concerning the requirements of this Court's order.

3. The defendants shall notify the Director of the Federal Voting Assistance Program ("FVAP") of the Department of Defense 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 its provisions. The defendants shall assist the FVAP in whatever

Reasonably
way necessary to publicize these provisions.

~~4. Defendants shall provide a report to Plaintiff concerning the number of overseas ballots including FWABs, that are received and counted for the April 9, 2002 federal primary runoff election.~~

5. The Court retains jurisdiction of this action to enter such further relief as may be necessary for the effectuation of the terms of this Decree.

ORDERED this 25th day of March, 2002.


United States District Judge