

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

DAVID PRICE, as a candidate for the position for Albany County
Republican Committeeman from the 14th Ward 6th District, City of Albany,
THE ALBANY COUNTY REPUBLICAN COMMITTEE, MARTHA
MCMAHON, AND JAMES THORNTON, Absentee Voters

Order

- against -

Index No. 06-cv-

THE ALBANY COUNTY BOARD OF ELECTIONS, Defendant.

**ORDER TO SHOW CAUSE
With
A REQUEST FOR TEMPORARY RELIEF**

The Court has considered the plaintiffs' verified complaint sworn to on September 8, 2006, the affirmation of Thomas Marcelle, plaintiffs' memorandum of law, and all other proceedings had herein. On the basis of these pleadings and papers, plaintiffs have sufficiently shown cause that the Court should dispense with the notice of motion requirement of Local Rule 7.1(b). Therefore, the Court is of the opinion that an order to show cause be granted:

IT IS ORDERED that:

The defendants show cause before a term of this Court to be held at the Federal Courthouse, _____, New York on the _____ day of September, 2006, at _____ o'clock in the _____ noon of that day, or as soon thereafter as counsel may be heard, why a preliminary injunction pursuant to Federal Rule of Civil Procedure 65 should not be issued ordering the Albany County Board of Elections to provide primary voters who cast their vote by absentee ballot with the opportunity to vote for county committeeman, the Albany County Board of Elections to count such absentee ballots, and why such other and further relief should not be granted to the Plaintiff that to this Court may seem just and proper;

AND

IT IS FURTHER ORDERED that:

The defendant Albany County Board of Elections shall **immediately** send to all Republican Primary absentee voters who are eligible to vote for the party position of Albany County Committeeman in the 14th Ward 6th District **by overnight mail** an absentee ballot (or a supplemental ballot) that has a provision for casting a ballot for the party position of Albany County Committeeman in the 14th Ward 6th District City of Albany;

IT IS FURTHER ORDERED that:

The defendant Albany County Board of Elections shall set aside and not count absentee ballots cast by Republican primary voters in the 14th Ward 6th District City of Albany until such time the Courts directs;

IT IS FURTHER ORDERED that:

The defendant Albany County Board of Elections shall not certify a winner of the party position of Albany County Republican Committeeman in the 14th Ward 6th District City of Albany until such time the Courts directs such ballots to be counted;

Defendants shall file and serve answering papers on the plaintiff on or before ____ day of ____ 2006.

Plaintiffs shall file and serve reply papers on the defendant on or before ____ day of ____ 2006.

Dated: September 8, 2006

United States Judge