

**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-1083

THE ALBANY COUNTY BOARD OF ELECTIONS, THE NEW YORK
STATE BOARD OF ELECTION Defendant.

ORDER

The Court has considered the plaintiffs' verified complaint sworn to on September 8, 2006, the affirmation of Thomas Marcelle, plaintiffs' memorandum of law, the oral arguments and applications made by counsel for the plaintiffs and defendants on September 11, 2006, and all other proceedings had herein. On the basis of these pleadings and papers, the Court is of the opinion that the following order should be granted:

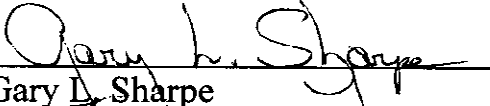
IT IS ORDERED that:

- (1) The Defendant Albany County Board of Elections shall immediately make available at the Albany County Board Elections at its offices

located at 32 N. Russell Rd., Albany, New York a supplemental paper ballot that contains a provision to vote for the party position of Albany County Committeeman in the 14th Ward 6th District City of Albany to Martha McMahon and James Thornton or their authorized representative David Price;

- (2) The Defendant Albany County Board of Elections shall neither tally, canvass, nor cast the aforementioned ballots until and unless ordered by this Court and;
- (3) The Defendant Albany County Board of Elections shall not certify a winner of the party position of Albany County Committeeman in the 14th Ward 6th District, City of Albany until and unless ordered by this Court.

Dated: September 11, 2006



Gary L. Sharpe
United States District Judge