

Robinson, J

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA
and CESAR RUIZ,

Plaintiffs,

v.

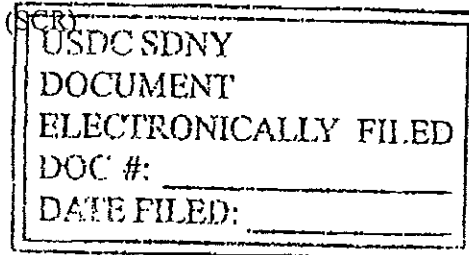
VILLAGE OF PORT CHESTER,

Defendant.
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ADDENDUM TO
CONSENT DECREE

06 Civ. 15173 (SCR)

ECF CASE



WHEREAS, the parties in the above-referenced matter entered into a Consent Decree (the "Decree") that was signed and entered by the Court on December 22, 2009;

WHEREAS, pursuant to the Decree, the Village of Port Chester shall conduct a Trustee election on June 15, 2010; and

WHEREAS, the Decree required the submission of certain information by Addendum to the Consent Decree not later than February 1, 2010 (this "Addendum"), extended by Order of the Court;

NOW, THEREFORE, pursuant to the Decree in this matter, it is hereby STIPULATED and ORDERED as follows:

1. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample ballot design and layout for the June 15, 2010 election, annexed hereto as Exhibit A. The parties agree that the ballot design submitted herewith is illustrative and may change based, in part, on the number of parties that endorse candidates for the June 15, 2010 election. Any change to the layout, design, language, and translation of the sample ballot shall be with the consent of

all parties.

2. Pursuant to paragraph 4 of the Decree, the parties hereby submit to the Court a sample absentee ballot design and layout for the June 15, 2010 election, annexed hereto as Exhibit B. The parties agree that the ballot design submitted herewith is illustrative and may change based, in part, on the number of parties that endorse candidates for the June 15, 2010 election. The parties further agree that in the event of technical or mechanical problems with voting machines used in the June 15, 2010 election, that the form of the absentee ballot shall be the form of the paper ballot. Any change to the layout, design, language, and translation of the sample absentee ballot shall be with the consent of all parties.

3. Pursuant to paragraph 4 of the Decree, the parties hereby agree that the Village of Port Chester may use lever machines that are currently in use in the State of New York for the June 15, 2010 election, notwithstanding that the machines may not be certified by New York State for conducting cumulative voting. Nothing herein constitutes a waiver by the United States of its remedies available under Title II of the Americans with Disabilities Act.

4. Pursuant to paragraph 12 of the Decree, the location and times for early voting shall be as follows:

Location: Village Hall, Village of Port Chester
222 Grace Church Street
Port Chester, New York

Hours: Tuesday, June 8, 2010 through Friday, June 11, 2010, from 9 AM to 8 PM
Saturday, June 12, 2010, from 9 AM to 5 PM

Any duly registered voter may cast their vote(s) for Trustee at the location and times set forth above.

5. Pursuant to and to clarify paragraph 5 of the Decree, and to clarify the Charter of the Village of Port Chester, and any contrary interpretation of that Charter, the terms of the Trustees elected on June 15, 2010, shall begin on 12 o'clock Noon on the 6th of July, 2010, and end on April 2, 2013.

6. Pursuant to and to clarify paragraph 13 of the Decree, in the event any affidavit ballots are completed, they shall be set aside until one (1) day after the June 15, 2010 Election Day to allow for research and determination by the Village Clerk as to whether the affidavit ballots are eligible to be opened and cast. Upon research and determination, the Village Clerk shall notify all candidates for Trustee in the June 15, 2010 election of the research and determination and the ballots shall be set aside for an additional one (1) day to allow for the filing of any Court proceeding to determine whether the ballots shall be opened and cast. In the event no judicial stay is obtained, the Village Clerk shall proceed to open and cast any such ballots.

7. To clarify any contrary provision of the Charter of the Village of Port Chester, the filing of the report of the Village Clerk, containing the results of the inspectors of election with the Board of Trustees, shall occur one (1) business day after all ballots eligible to be opened and cast are so opened and cast, and the Board of Trustees shall meet at 8:00 PM, on the day following the filing of the report for the canvass of the votes and certification of the election.

8. The parties may from time to time submit further addenda to the Decree to effectuate the purposes of the Decree. Any such further addendum shall be in writing and signed

by all parties.

Agreed to this 11th day of February 2010.

AGREED AND CONSENTED TO:

For the Plaintiff,
UNITED STATES OF AMERICA:

For the Defendants,
VILLAGE OF PORT CHESTER:

PREET BHARARA
United States Attorney for the
Southern District of New York
Attorney for the United States

By:



DAVID J. KENNEDY
Assistant United States Attorney
86 Chambers Street -- 3rd Floor
New York, New York 10007
Tel. No.: (212) 637-2733
Fax No.: (212) 637-0033



ANTHONY PISCIONERE
Piscionere & Nemarow, P.C.
363 Boston Post Road
Rye, New York 10580-1105

TIMOTHY F. BELLETT
JARED M. SLADE
Trial Attorneys, Voting Section
United States Department of Justice
-- Of Counsel --

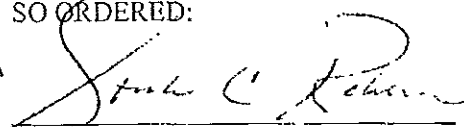
ALDO V. VITAGLIANO
ANTHONY M. CERRETO
Of Counsel for the Village of Port Chester

For the Plaintiff Intervenor
CESAR RUIZ:



RANDOLPH MCLAUGHLIN
78 North Broadway
White Plains, N.Y. 10603
914-422-4340

SO ORDERED:



HON. STEPHEN C. ROBINSON
UNITED STATES DISTRICT JUDGE

DATED: February 23, 2010