

County Clerk, Dutchess County
Application for INDEX NUMBER
pursuant to Section 8018 CPLR

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Spaces below to be TYPED or
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Index Number

1976

3920

DO NOT WRITE IN THIS SPACE

52/483

SUPREME COURT: DUTCHESS COUNTY

ROBIN CARROLL, JAN HOWELL and
JUDY E. ROBINSON

FULL
TITLE OF
ACTION OR
PROCEEDING

V.

DUTCHESS COUNTY BOARD OF ELECTIONS,
ALBERT L. HECT and LAURA A. HODOS,
Commissioners of Elections for
Dutchess County

STEPHEN M. LIPTON ESQ.

64 Market St., Poughkeepsie, New York

Name and address of Attorney for Plaintiff or Petitioner.

Name and address of Attorney for Defendant or Respondent.

Stephen M. Lipton, Esq.

Name of Payor.

Indexed by

DO NOT DETACH

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

Get original
Case

ROBIN CARROLL, JAN HOWELL,
and JUDY R. ROBINSON,

Petitioners,

- against -

DUTCHESS COUNTY BOARD OF ELECTIONS,
ALBERT L. HECT, and LAURA A. HODOS,
Commissioners of Elections for
Dutchess County,

Respondents.

Index No. 1976/3920

Papers submitted by
Both

This is decision
we need brief,

GAGLIARDI, J.

This constitutes the decision of the Court.

That portion of the petition which seeks declaratory relief is dismissed without prejudice. The Court feels that the petitioners have borne their burden in establishing, pursuant to Section 151-c of the Election Law, their residence in fact in Dutchess County and therefor they are entitled to register. That decision is made pursuant to *Palla v. Suffolk County Board of Elections*, 31 N.Y. 2d 36; and *Matter of McMaster v. Board of Inspectors of the Town of Alfred*, decided by the County Court of Alleghany County and reported officially in 71 Misc. 2d 762.

The Court would like to quote from one decision, *Carrington v. Rash*, 380 U.S. 89, at page 94, where the Court said: "'Fencing out' from the franchise a sector of the population because of the way they may vote is constitutionally impermissible."

STEPHEN M. LIPTON, ESQ.,
Attorney for Petitioners,
64 Market Street,
Poughkeepsie, New York 12601

JAMES D. BENSON, ESQ.,
County Attorney of Dutchess County,
County Office Building,
Poughkeepsie, New York 12601
JAMES M. FEDORCHAK, ESQ., of Counsel,
Chief Assistant County Attorney.

SUPREME COURT OF THE STATE OF NEW YORK

COUNTY OF DUTCHESS

INDEX NUMBER

ROBIN CARROLL, JAN HOWELL and JUDY R. ROBINSON

3920/76

~~XXXXXXXXXX~~
Petitioners

-against-

DUTCHESS COUNTY BOARD OF ELECTIONS, ALBERT
L. HECT and LAURA A. HODOS, Commissioners of
Elections for Dutchess County ~~XXXXXXXXXX~~
Respondents

~~XXXXXXXXXX~~ ORDER TO SHOW CAUSE Petition directing
respondents to register petitioners herein:

NOTICE OF MOTION SERVED ON THE 26th DAY OF October 19 76

MOTION RETURNABLE AT SPECIAL TERM, AT SUPREME COURT, AT THE COURTHOUSE

AT POUGHKEEPSIE, NEW YORK, ON THE 27th DAY, OF October 19 76

AT 10:00 AM

NAMES AND ADDRESSES OF ATTORNEYS

STEPHEN M. LIPTON, ESQ.
Attorney for Petitioners
64 Market Street
Poughkeepsie, New York 12601
Tel: (914) 452-5010

JAMES D. BENSON, ESQ.
Dutchess County County Attorney
County Office Building
Poughkeepsie, New York 12601

NOTE OF ISSUE FILED BY STEPHEN M. LIPTON ATTORNEY FOR Petitioner

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

ROBIN CARROLL, JAN HOWELL
and JUDY E. ROBINSON,

Plaintiffs,

- against -

DUTCHESS COUNTY BOARD OF ELECTIONS,
ALBERT L. HECT and LAURA A. HODOS,
Commissioners of Elections for
Dutchess County,

Respondents.

3920 / 76

ORDER TO SHOW CAUSE

Upon the petition herein, and upon the affidavit
of Stephen M. Lipton, sworn to on October 26, 1976 it is

ORDERED, that respondents show cause before a
Special Term, Part I of this Court on the 27th day of October,
1976, at 10:00 A.M. or as soon thereafter as counsel may be
heard, at the Dutchess County Courthouse, Poughkeepsie,
New York, why an order should not be issued pursuant to
Section 331 of the New York Election Law, directing re-
spondents to register petitioners herein; and it is

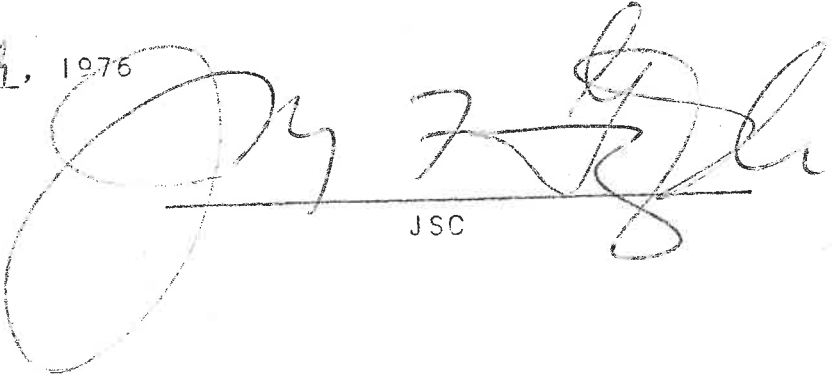
FURTHER DECLARED that the policy and practice of respondents to deny persons the right to register to vote because of their status as "students" is in violation of 42 U.S.C. 1971 (a) (2) (A), The First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution as well as Section 151 of the New York Election Law; and it is

FURTHER ORDERED, that pending a final resolution on the merits herein, respondents are directed to cease and desist from the execution and implementation of the afore-said policy and practice in the future; and it is

FURTHER ORDERED, that pending a final resolution on the merits herein, respondents are directed to permit the petitioners in the above-styled action to complete provisional paper ballots in connection with the forthcoming general election; and it is

FURTHER ORDERED, that personal services of this order and the affidavit upon which it is based upon the Dutchess County Attorney ^{and Dutchess County Board of Elections} shall be due and sufficient service hereof, *to be served on or before 1400 hours (2:00 PM), October 26, 1976*

Dated: October 26th, 1976



JSC

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
:
ROBIN CARROLL, JAN HOWELL
and JUDY E. ROBINSON :

Plaintiffs, :

- against - :

PETITION

DUTCHESS COUNTY BOARD OF ELECTIONS
ET AL :

Respondents. :

-----X

Pursuant to Section 331 of the Election Law of the State of New York, petitioners respectfully allege the following:

1. Petitioners are citizens of the United States who are or will be at least eighteen years of age by election day, November 2, 1976.

Each petitioner is a student who has attempted to register during the voter registration periods established during the month of October 1976. Each petitioner was denied the right to register in Dutchess County by respondents herein or by the employees or agents of respondents herein. (See affidavits of petitioners, appended hereto as exhibits 1 - 3.)

3. Each of the petitioners herein lives in or around the Annandale on Hudson, New York community. Therefore, upon information and belief, each of the petitioners herein resides within an Election District of Dutchess County.

4. Petitioners consider themselves to be residents of Dutchess County. Each will have lived in Dutchess County for at least one month prior to the general election scheduled for November 2, 1976. Each of the students habitually sleeps, keeps her personal effects and has a regular place of lodging within Dutchess County. Accordingly, each of the petitioners maintains her principal home within Dutchess County and Dutchess County is the place which is the center of each petitioners' life and the locus of her primary concern. Petitioners are subject to the laws of Dutchess County and the State of New York and are far more affected by the acts and omissions of the officials of Dutchess County than by the acts and omissions of officials at their parental abodes. Petitioners expend substantially more money in their college communities than in their parental abodes. In sum, petitioners herein consider Dutchess County to be their principal place of habitation and residence.

5. The named petitioners do not intend to return to live at their parents' residences at the conclusion of their studies, and do not regard their parents' residences as being their own. (See affidavits of petitioners appended hereto as exhibits 1 - 3.)

6. None of the petitioners has engaged in significant acts inconsistent with his or her assumption of Dutchess County as a residence for voting purposes.

7. Upon information and belief, petitioners herein were singled out and denied the right to register because of their status as students.

8. Upon information and belief, at all times relevant herein, respondents and their agents and employees were acting under color of Section 151 of the New York Election Law and Article II, Section 4 of the New York Constitution. Consequently, upon information and belief, respondents, their agents and employees, have required that petitioners demonstrate that they maintain within Dutchess County a fixed, permanent and principal

home to which, wherever temporarily located, they always intend to return.

CAUSES OF ACTION

9. The right to participate in the electoral process in a citizen's principal place of habitation is a privilege and immunity of citizens of the United States, protected against State infringement by the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution.

10. Respondents' refusal to recognize petitioners' extended volitional presence within Dutchess Co. as presumptive evidence of their qualification to participate in the electoral process, as it is recognized for all other segments of the population, constitutes an arbitrary and discriminatory abridgment of their right to register and vote in violation of the Fourteenth Amendment to the United States Constitution.

11. The policies, standards, practices, procedures and presumptions utilized by respondents pursuant to Section 151 of the Election Law, to exclude petitioners from the franchise

violate the First, Fourteenth and Twenty-Sixth Amendments to the United States Constitution, insofar as respondents are not focusing upon petitioners' present intentions and the present locus of their primary concern, but, instead, are summarily denying their right to register based on their status as "students" and/or are imposing a residency requirement of "permanency".

12. The policies, standards, practices and procedures and presumptions utilized by defendants pursuant to Section 151 of the Election Law to exclude students from the electorate are so vague and unclear as to grant unlimited discretion to local election officials in the registration of college students and are, therefore, in violation of the Fourteenth Amendment.

13. The policies, standards, practices, procedures and presumptions utilized by respondents pursuant to Section 151 of the Election Law, as amended, to exclude students from the electorate are in violation of Title 42 U.S.C. §1971(a)(2)(A) which provides:

"No person acting under color of law shall, in determining whether any individual is qualified under State law or laws to vote in any election, apply any standard, practice or procedure different from the standards, practices, or procedures applied under such law or laws to other individuals within the country. . . who have been found by State officials to be qualified to vote."

14. In light of the foregoing, Section 151 of New York's Election Law and Article II, Section 4 of the New York State Constitution, both on their face and as applied, deny and abridge petitioners the right to register and to vote, in violation of the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution, and 42 U.S.C.A. §§1971(a)(2) (A) in that:

(a) said laws, as applied to students who do not intend to return to and reside with their parents, deprive said students of the right to register and vote in any election district;

(b) said laws establish and permit unreasonable, capricious and discriminatory standards, practices, procedures

and presumptions that are applicable only to students, and thereby deny students the equal protection of the laws, and violate 42 U.S.C. §1971(a)(2)(A);

(c) said standards, practices, procedures and presumptions are not necessary to achieve any compelling or even legitimate state interest that could not be achieved by less drastic alternatives;

(d) said laws inhibit or preclude students from voting in elections in which (1) absentee voting is not permitted, or (2) in which the requirements for absentee voting are so onerous as, in practice, to make it impossible or unduly burdensome to vote;

(e) said laws unreasonably deny students the right to register and vote in communities where they have their most substantial interest and the locus of their primary concern. Moreover, said laws unreasonably deny the right to vote for candidates and upon issues that will have substantial impact upon their lives;

(g) said laws deprive students, as students, of meaningful participation in the democratic process;

WHEREFORE, petitioners respectfully pray this Court:

1. Declare that respondents' refusal to permit petitioners herein to register to vote in Dutchess Co. violates 42 U.S.C. 1971(a)(2)(A), as well as the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution in that respondents have unreasonably attempted to exclude petitioners from participation in the electoral process in those communities in which they maintain their most substantial contacts:

2. Declare that respondents' refusal to permit petitioners herein to register to vote in Dutchess County violates Section 151 of the New York Election Law in that respondents have unreasonably attempted to exclude petitioners from participation in the electoral process in those communities in which they maintain their most substantial contacts;

3. Compel by order the registration of petitioners herein;

4. Grant petitioners such other and further relief as to the Court seems just and proper.

Dated: *OCTOBER 26, 1976*

Stephen M. Lipton

New York Civil Liberties Union
Mid-Hudson Chapter
Poughkeepsie, New York 12601

c/o Noel Tepper, Esq.
64 Market Street
Poughkeepsie, New York 12601

VERIFICATION

State of New York)
 : ss.:
County of Dutchess)

Robin Carroll, being duly
sworn, deposes and says, that she is the petitioner in this
action and that the foregoing petition is true to her own
knowledge, except as to those matters therein stated to be
alleged on information and belief and as to those matters
she believes them to be true.

Robin Carroll

Sworn before me this

24 day of October 1976

Stephen M. Lipton
STEPHEN M. LIPTON
Notary Public, State of New York
Qualified in Dutchess County
My Commission Expires March 30, 1978

NOTARY PUBLIC

Robin Carroll, being duly sworn, hereby deposes and says:

1. That I am the plaintiff in the above-captioned matter.

2. That I am a Full-time student at Purd College, Annandale-on-Hudson, N.Y.

3. That I am over 18 years of age, having been born on Feb. 14th, 1958 at Lenox Hospital, New York, N.Y.

4. That I reside at Purd College, Annandale-on-Hudson, New York and that such residence is an on-campus dormitory.

5. That previously I resided at 450 Pass Dr., Skenesboro, N.Y.

6. That I reside in Annandale-on-Hudson approximately 12 months a year.

7. That during those times when school is not in session I reside in Annandale-on-Hudson.

8. That during school holidays I reside in Annandale-on-Hudson.

9. I did not file a Affidavit in State income tax return in 1975

10. That I plan to reside at my present address for at least 3 years.

11. That upon the completion of my studies I plan to reside in indefinite at the time wherein I am able to secure employment or as an accepted of graduate school.

Exhibit 1

12. That I began my studies at *Bard*
in *Sept*, 1978, and will complete them in *June*, 1979.

13. That my parents reside at
31 Ruffney St., Glen Cove, N.Y.

14. That prior to attending school
I resided with *my parents*, but I have no intent to return to
live with them.

15. That my marital status is
single.

Ruffney Hallways library of Bard college 16. That I am employed at *the*

17. That the sources of my income
include *my employment*

18. That my tuition is being financed
by *Dr. D. West, DFCB, TAP, Regents Scholarship, NDSL*

19. That I pay rent on the lease-
hold I possess at *Robert House (Bard), Annandale, N.Y.*

20. That my real property is *none.*
and that the situs of my personal
property is *Annandale, N.Y.*

not applicable 21. That my automobile is registered
at
and that my driver's license is
registered at

22. That my bank accounts are lo-
cated at *not applicable*

23. That on Oct. 5th, 1976, I attempted to register to vote at Dutchess County Board of Elections, New York, at approximately 3 PM. I was refused the opportunity to so register by Mrs. Laura Hodas, of District #—. Election Commissioner - Republican.

I was accompanied there by two witnesses, Noel Sturgeon, and Sara Caffrey. When I asked to register, I told her that I was a Bard student. She told me that according to Section 151, students do not legally reside where they attend school. One of the witnesses prompted Mrs. Hodas to grant me a hearing and to ask me certain questions. She asked me for my name, age, present residence, financial status, and my parents' present residence. She then told me that I would probably not be allowed to register as Annandale. She said in my presence that Red Hook was a small town, that BCC students voting there would turn the elections around. She added that 'we wouldn't want Red student money Red Hook, would we?' or words to that effect.

Sworn to before me this

Mary Anne Strieder, day of ~~October~~ 1976

Mary Anne Strieder
NOTARY PUBLIC STATE OF NEW YORK
QUALIFIED IN DUTCHESS COUNTY
COMMISSION EXPIRES MARCH 30, 1978
4619454

NOTARY PUBLIC

Robin Carroll

X



BOARD OF ELECTIONS
DUTCHESS COUNTY OFFICE BUILDING ANNEX
47 CANNON STREET
POUGHKEEPSIE, NEW YORK 12601

COMMISSIONERS

(914) 485-9893

ALBERT L. HECHT
LAURA A. HODOS

October 6, 1976

Ms. Robin Carroll
Room 222, Robbins
Bard College
Annandale on Hudson, N.Y. 12504

Dear Ms. Carroll:

Please be advised that we have determined that you are not eligible to register from your residence address upon the Bard College campus.

The basis for our decision is Section 151 of the Election Law of the State of New York which states that no person shall be determined to have gained or lost a residence by reason of his presence as a student of any institution of learning.

In the absence of your having supplied us with sufficient independent evidence that you have, in fact, established an independent residence apart from your presence upon the college campus as a student, we have determined that the aforesaid Section 151 applies in your case.

Sincerely,

Laura A. Hodos
Albert L. Hecht
Commissioners of Election

ALH:jal

EXHIBIT 1a

COUNTY OF DUTCHESS) ss.:

Jan Howell, being duly sworn, hereby deposes and says:

1. That I am the plaintiff in the above-captioned matter.
2. That I am a full-time student at Bard College, Annandale-on-Hudson, New York 12504.
3. That I am over 18 years of age, having been born on April 2, 1957 at Oakland, California.
4. That I reside at Bard College, Annandale-on-Hudson, New York and that such residence is an on-campus dormitory.
5. That previously I resided at Emma Willard School, Troy, New York 12181.
6. That I reside in Annandale-on-Hudson approximately 12-months a year.
7. That during those times when school is not in session I reside in Annandale-on-Hudson N.Y.
8. That during school holidays I reside in Annandale-on-Hudson, New York.
9. I did not file a federal or state income tax return in 1996.
10. That I plan to reside at my address at least 3 years.
11. That upon the completion of my studies I plan to reside in indefinite at this time where ever I am able to secure employment or I am accepted at graduate school.

Exhibit 2

12. That I began my studies at Brund College
in Sept., 1975, and will complete them in May, 1979.

13. That my parents reside at
Father - 274 Alhambra Ave Mother - 2845 Bryant St.
Alhambra, Ca 91803 Palo Alto, Ca 94306

14. That prior to attending school
I resided with ^{at Emma Willard} ~~school~~ but I have no intent to return to
^{there} ~~live with them.~~

15. That my marital status is single

16. That I am ^{un}employed.

17. That the sources of my income
include parents

18. That my tuition is being financed
by my parents

19. That I pay rent on the lease-
hold I possess at Dormitory

20. That my real property is NONE
and that the situs of my personal
property is Alhambra, Ca - Alhambra, New York

21. That my automobile is registered
at not applicable and that my driver's license is
registered at California (but is being changed to New York state)

22. That my bank accounts are lo-
cated at Red Hook, New York and Palo Alto, California.

23. That on October 5, 1976, I attempted to register to vote at Dutchess County Board of Elections, ~~Putnam~~ New York, at approximately 3 p.m. I was refused the opportunity to so register by Laura Hodas ~~of District #~~ Republican Election Commissioner

Mrs. Hodas upon hearing that the group was from Bard College immediately stated "we don't register college students because they are not legal residents of the city in which the college is located". Noel Sturgeon, a witness, told Mrs. Hodas that the State Board of Elections had sent the group to the Dutchess County Board of Elections. Mrs. Hodas again reiterated her statement saying that "student will not be registered." Sam Caffrey, a witness, asked Mrs. Hodas if a questionnaire concerning students' eligibility to vote wasn't around, Mrs. Hodas answered Sam Caffrey's question saying "it doesn't matter". Sam then asked if the four students trying to register to vote would be granted a hearing. At this point Mrs. Hodas asked for my name, address, age, parents' address and whether I was financially independent for the purpose of scheduling a hearing. She said she would contact us concerning the hearing. She then turned to Robin Carroll and me and said "I'll tell you two girls right now you won't be able to register". She commented that "we can't have Bard students running the town of Red Hook."

Sworn to before me this

Mary Anne Strieder 15th day of October 1976

NOTARY PUBLIC STATE OF NEW YORK

QUALIFIED IN DUTCHESS COUNTY

COMMISSION EXPIRES MARCH 30, 1978

4619454

NOTARY PUBLIC

X



BOARD OF ELECTIONS
DUTCHESS COUNTY OFFICE BUILDING ANNEX
47 CANNON STREET
POUGHKEEPSIE, NEW YORK 12601

COMMISSIONERS

(914) 485-9893

ALBERT L. HECHT
LAURA A. HODOS

October 6, 1976

Ms. Jan Howell
Seymour 9
Bard College
Annandale on Hudson, N.Y. 12504

Dear Ms. Howell:

Please be advised that we have determined that you are not eligible to register from your residence address upon the Bard College campus.

The basis for our decision is Section 151 of the Election Law of the State of New York which states that no person shall be determined to have gained or lost a residence by reason of his presence as a student of any institution of learning.

In the absence of your having supplied us with sufficient independent evidence that you have, in fact, established an independent residence apart from your presence upon the college campus as a student, we have determined that the aforesaid Section 151 applies in your case.

Sincerely,

Laura A. Hodos
Albert L. Hecht
Commissioners of Election

ALH:jal

EXHIBIT 2a

COUNTY OF DUTCHESS) ss.:

Judy Robinson, being duly sworn, hereby deposes and says:

1. That I am the plaintiff in the above-captioned matter.

2. That I am a Full-time student at *BARD College Annandale, N.Y.*

3. That I am over 18 years of age, having been born on *August 2*, 1951 at *KINGSTON HOSPITAL KINGSTON, N.Y.*

4. That I reside at *BARD COLLEGE Annandale-on-Hudson*, New York and that such residence is an on-campus *DORMITORY*

5. That previously I resided at *RD4 BLDG 251 Rosedale, New York*

6. That I reside in *Annandale* approximately *12* months a year.

7. That during those times when school is not in session I reside in *Annandale, N.Y.*

8. That during school holidays I reside in *Annandale, New York*

9. *I did not file any federal or state tax returns in 1976.*

10. That I plan to reside at my address *at least two (2) years.*

11. That upon the completion of my studies I plan to reside in *INDEFINITE AT THIS TIME.*

Whenever I am able to secure employment or my acceptance into graduate school.

Exhibit 3

12. That I began my studies at *BACD*
in *Sept*, 1976, and will complete them in *May*, 1977.

13. That my parents reside at *P.O. Box 27*
Port Ewen, N.Y.

14. That prior to attending school
I resided with *myself* (but I have no intent to return to
live with them.) *not applicable.*

15. That my marital status is *separated*

16. That I am employed. *unemployed*

17. That the sources of my income
include *nothing.*

18. That my tuition is being financed
by *Dad's Scholarship, TAP, NDSE, HEOP, BEOG, Supplement*
Student Loan.

19. That I pay rent on the lease-
hold I possess at *Dormitory / Tremblay Ravine House.*

20. That my real property is *none*
and that the situs of my personal
property is *Annandale, New York*

21. That my automobile is registered
at *not applicable* and that my driver's license is
registered at *Kingston, New York*

22. That my bank accounts are lo-
cated at *not applicable.*

23. That on Oct 5, 1976, I attempted to register to vote at Dutchess County Board of Election New York, at approximately 3:00 pm. I was refused the opportunity to so register by Laura A. Hodos of District # .

Election Commissioner - Republican

Myself and a group of Bard Students requested of Mrs. Hodos the right to register to vote. She asked "who we were" and we replied, "Bard Students." She then stated, "we don't register students here." Neil Sturgeon, a witness replied, "we were sent by the State Board of Elections." Mrs. Hodos repeated that we would not be able to register, stating that it was against Section 151 of the New York State Election Law. Sara Laffey, a witness, requested that we be asked certain questions pertaining to the election law residency requirements. Mrs. Hodos said, it makes no difference. Sara Laffey requested a hearing for myself and the other Bard Students. Mrs. Hodos proceeded to take names, addresses, ages and financial status of students. Mrs. Hodos turned to Jan Howell and Robin Carroll stating they didn't have a chance to register, but I may have a chance. She then said, "you must understand, that we can't have Bard Students registering Red Hook." She also informed us that she would contact us when our hearing was arranged.

Sworn to before me this
15 day of October 1976.

Susan L. Baruch
Box 947 Post Road
Red Hook, N.Y. 12571
NOTARY PUBLIC

Notary Public No. 42150085
Dutchess County, State of New York
My Commission Expires March 30, 1978

Judy Robinson
X

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF DUTCHESS

-----X
:
ROBIN CARROLL, JAN HOWELL
and JUDY E. ROBINSON :

Plaintiffs, :

- against - :

DUTCHESS COUNTY BOARD OF ELECTIONS, :
et al, :

Respondents. :

AFFADAVIT

-----X
State of New York)

: ss.:

County of Dutchess

Stephen M. Lipton, being duly sworn, deposes and
says:

1. I am an attorney for the petitioners in the
above styled action and I make this affadavit in support of
their request that they be permitted to register to vote in
Dutchess County and in support of the commencement of this
proceeding by order to show cause.

2. Each of the petitioners herein has applied
for registration in Dutchess County subsequent to the
decision of the New York Court of Appeals in Palla v.

Suffolk County Board of Elections 38 A.D. 2d 84, 327 N.Y.S. 2d 739 (1971) and the decision of the United States District Court for the Eastern District of New York in Ramey v. Rockefeller 348 F. Supp. 780 (1972) copies of which are annexed hereto as Exhibits I and II.

3. Each petitioner has sworn that she considers Dutchess County to be her home for the present time and that each considers Dutchess County to be the primary locus of her concern.


4. Each petitioner is prepared to testify concerning her eligibility to register to vote in Dutchess County.

5. In order to secure petitioners' right to vote pending a final resolution of the merits herein, respondents should be directed to permit petitioners to complete provisional paper ballots in connection with the forthcoming general election.

6. No previous application for the relief herein prayed for has been made.

7. An order to show cause is sought rather than proceeding by notice of motion because petitioners require an expeditious determination of their claim in order to secure their right to vote in the forthcoming general election scheduled for November 2, 1976.

WHEREFORE, deponent respectfully asks for an order directing respondents to show cause why petitioners should not be permitted to register to vote, why the policy and practice of respondents to deny persons the right to register to vote because of their status as "students" is not in violation of 42 U.S.C. 1971 (a) (2)(A), the First, Fourteenth, and Twenty-Sixth Amendments to the United States Constitution as well as Section 151 of the New York Election Law, why respondents should not be directed to cease and desist from the execution and implementation of said policy and practice in the future and why, pending a final disposition of this matter, petitioners should not be permitted to complete provisional paper ballots in connection with the forthcoming general election.


Stephen M. Lipton

Sworn before me this
20th day of October, 1976



NOTARY PUBLIC

