

**FILED**

NOV - 7 2006

**LEONARD GREEN, Clerk**

No. 06-4452

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT

OHIO DEMOCRATIC PARTY,  
Plaintiff - Appellee

v.

CUYAHOGA COUNTY BOARD OF  
ELECTIONS,  
Defendant

J. KENNETH BLACKWELL, Ohio Secretary  
of State,  
Defendant - Appellant

O R D E R

The appellant brings this appeal from an order entered this evening ordering elections officials to hold open the polls in sixteen precincts until 9:00 P.M. The appellant has filed an emergency motion with this court asking that we stay or vacate that order. Because of the exigent circumstances in which this matter comes before us, the court expresses no opinion at this time on the merits of the motion, except to the extent that

It is ORDERED that pursuant to the Help America Vote Act, 42 U.S.C. §15482(c), any ballots cast by voters who were not already in line by the time of the polling stations' regular closing time shall be separated and held as provisional.

ENTERED BY ORDER OF THE COURT

  
Leonard Green, Clerk