PRESENT: HON. PAUL I. MARX, J.S.C. J.S.C.

STATE OF NEW YORK
SUPREME COURT, COUNTY OF WESTCHESTER

In the matter of the application of:

NEW YORK STATE DEMOCRATIC PARTY, and

NEW YORK STATE REPUBLICAN PARTY, **CONSENT ORDER**

Petitioners

-against-

WESTCHESTER COUNTY BOARD OF ELECTIONS, and

NEW YORK STATE BOARD OF ELECTIONS,

WESTCHESTER COUNTY DEPARTMENT OF PUBLIC SAFETY,

Respondents/Defendants.

Upon the annexed petition verified the 3rd day of November, 2026, and upon all of the papers and proceedings heretofore had herein, and on the consent of the parties, it is hereby

ORDERED that the County Police or such other municipal police force as the Commissioners may designate (collectively the "Police") shall, upon the Court's issuance of this Order and again upon the close of the polls, pick up from each polling location in Westchester County all Containers containing unscanned ballots (as prepared by the poll workers) and transport them directly to 450 Saw Mill River Road Ardsley, New York or such other location as the Commissioners may designate, and the Police shall safeguard custody of the unscanned ballots at all times, including during transport and while the unscanned ballots are held at the Board of Elections facility until county canvassing is complete, such that the Containers are secured from

interference with or contact by anyone other than the Police and agents of the Board of Elections acting under the joint direction of both Commissioners; and it is further

ORDERED that the unscanned ballots shall be placed into a sealed container, which seal shall not be broken except in the presence of representatives of both the Democratic Party and the Republican Party prior to scanning; and it is further

ORDERED that the Board of Elections is permitted to count all unscanned ballots cast in the general election held on November 3, 2026 at the Board of Elections facility, and that watchers and representatives of the candidates on the ballot and parties shall have the right to be present as provided in the Election Law; and it is further

ORDERED that scanning of unscanned ballots shall commence as soon as practicable but no later than 11 a.m. on November 4, 2026 and continue uninterrupted until complete; and it is further

ORDERED that no unscanned ballots shall be canvassed or scanned prior to transport to the Board of Elections central location**;**

ORDERED that except as provided for herein, canvassed ballots and unscanned ballots shall be handled, transported, and stored consistent with ballot-security measures and chain-of-custody requirements required by the Election Law; and

ORDERED that unscanned ballots shall not be comingled with canvassed ballots otherwise undergoing transport to the Board of Elections as required by the Election Law; and it is further

ORDERED, that proof of service may be filed with the Court on the return date specified herein, and it is further

ORDERED, upon the written and oral application of counsel, pursuant to CPLR 304, the court has hereby determined that the filing of the index number and Request for Judicial Intervention is not reasonably immediately possible, and

SUFFICIENT CAUSE APPEARING THERFOR, Petition is hereby granted leave of this court to make a delayed filing of the within papers and shall file, and if required, pay for an Index Number and RJI no later than November 4, 2026.

Dated: November 3, 2026

E N T E R:



Hon. Paul I. Marx, J.S.C.