

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION

THE LEAGUE OF WOMEN	)	CASE NO.: 3:04CV7622
VOTERS OF OHIO, et al.	)	
	)	JUDGE: JAMES G. CARR
Plaintiffs,	)	
vs.	)	
	)	
J. KENNETH BLACKWELL,	)	<u>NOTICE OF COMPLIANCE</u>
	)	<u>WITH COURT ORDER DATED</u>
Defendant.	)	<u>OCTOBER 16, 2004</u>

Now comes Defendant, Ohio Secretary of State, J. Kenneth Blackwell, and herein files his Notice of Compliance of this Court's Order dated October 15, 2004 as set forth hereinbelow:

In response to Section 1 a) of the Court's Order, Defendant submits the attached Affidavit from the Director of Elections Divisions of the Ohio Secretary of State's Office.

In response to Section 1b) of the Court's Order, Defendant submits (by way of example) the attached copies of Posters to be displayed at polling places in Ohio in the November 2, 2004 election.

In response to Section 2) of the Court's Order, pursuant to this Court's Order, Defendant refers and cites to the following authority under HAVA Section 303(b), which states:

(b) REQUIREMENTS FOR VOTERS WHO REGISTER BY MAIL.

(1) IN GENERAL.-Notwithstanding section 6(c) of the National Voter Registration Act of 1993 (42 U.S.C. 1973gg-4(c)) and subject to paragraph (3), a State shall, in a uniform and nondiscriminatory manner, require an individual to meet the requirements of paragraph (2) if-

(A) the individual registered to vote in a jurisdiction by mail;  
and

- (B)(i) the individual has not previously voted in an election for Federal office in the State; or
- (ii) the individual has not previously voted in such an election in the jurisdiction and the jurisdiction is located in a State that does not have a computerized list that complies with the requirements of subsection (a).

(2) REQUIREMENTS.-

(A) IN GENERAL.-An individual meets the requirements of this paragraph if the individual-

- (i) in the case of an individual who votes in person-
  - (I) presents to the appropriate State or local election official a current and valid photo identification; or
  - (II) presents to the appropriate State or local election official a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter; or
- (ii) in the case of an individual who votes by mail, submits with the ballot-
  - (I) a copy of a current and valid photo identification; or
  - (II) a copy of a current utility bill, bank statement, government check, paycheck, or other government document that show the name and address of the voter.

(B) FAIL-SAFE VOTING.-

- (i) IN PERSON.-An individual who desire to vote in person, but who does not meet the requirements of subparagraph (A)(i), may cast a provisional ballot under section 302(a).
- (ii) BY MAIL.-An individual who desires to vote by mail but who does not meet the requirements of subparagraph (A)(ii) may cast such a ballot by mail and the ballot shall be counted as a provisional ballot in accordance with section 302(a).

Respectfully submitted,

JIM PETRO  
ATTORNEY GENERAL OF OHIO

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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing was filed electronically on the 13<sup>th</sup> day of October, 2004 in accordance with the Court's Electronic Filing Guidelines. Notice of this filing will be sent to all parties by operation of the Court's Electronic Filing System. Parties may access this filing through the Court's Filing System.

JIM PETRO  
ATTORNEY GENERAL OF OHIO

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