

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Anita Rios *et al.*

Plaintiffs,

v.

J. Kenneth Blackwell, Secretary of
State of Ohio

Defendant.

3:04 CV 7724

Case No. _____
Judge _____

JUDGE JAMES G. CARR

[PROPOSED] ORDER

Upon consideration of Plaintiffs' Motion for Temporary Restraining Order and accompanying papers, any opposition thereto, and the entire case herein, and upon finding that the interpretation and application by the Defendant of the recount provisions of Ohio law, violate federal law, Article II, Section 1, Clause 2 of the United States Constitution, the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment and the First Amendment of the United States Constitution; it is hereby

ORDERED that Plaintiffs' Motion for a Temporary Restraining Order is GRANTED; and it is further

ORDERED that the Defendant direct the Boards of Elections in each county in Ohio to begin the vote recount sought on November 17, 2004 by Plaintiff-candidates, and to begin the recount immediately after that county has certified its results to the Defendant, without delaying county certification or waiting for a state-wide certification

from the Defendant, and that such recounts are to begin no later than December 1, 2004; and, it is further

ORDERED that the Defendant direct the Boards of Elections in each county to take whatever steps necessary to fully conduct and complete the recount by no later than December 6, 2004; and, it is further

ORDERED that the Defendant direct the Boards of Elections in each county to mail the notice required by Section 3515.03 of the Ohio Code no later than November 26, 2004; and, it is further

ORDERED that the Defendant direct the Boards of Elections in each county to conduct the recount entirely by hand; and, it is further

ORDERED that, until every county has fully conducted and completed a recount, entirely by hand, of its votes for United States President, the Defendant may not mail to Ohio's presidential electors certificates of election; and, it is further

ORDERED that a Court hearing on Plaintiffs' motion for preliminary injunction will take place on _____, November __, 2004, at _____.

Dated: November __, 2004
Toledo, Ohio

UNITED STATES DISTRICT JUDGE