

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NORTHEAST OHIO COALITION FOR : Civil Action No. C2-06-896  
THE HOMELESS, et al., :  
 : Judge Algenon L. Marbley  
Plaintiffs, :  
 :  
vs. :  
 : **PROPOSED ORDER GRANTING**  
J. KENNETH BLACKWELL, : **PLAINTIFFS' MOTION FOR A**  
 : **PRELIMINARY INJUNCTION**  
Defendant. :  
 :

---

This matter came to be heard upon Plaintiffs' Motion seeking an order of the Court, pursuant to Fed. R. Civ. P. 65, preliminarily enjoining the enforcement of the following voter identification provisions set forth in House Bill 3 and codified in Ohio Revised Code Sections 3501.01(AA), 3501.19, 3505.181(A)(2), 3505.181(A)(3), 3505.181(A)(4), 3505.181(A)(12), 3505.181(A)(13), 3505.181(B)(6), 3505.181(B)(7), 3505.181(B)(8)(a), portions of 3505.182, 3505.183(B)(3)(d), 3505.183(B)(4)(a)(v), 3505.183(B)(4)(a)(vii), 3509.03(E), portions of 3509.04 and portions of 3509.05.

For the below stated reasons, this Court GRANTS the Plaintiffs' Motion.

The Court finds that Plaintiffs have satisfied the prerequisites for the issuance of the requested preliminary injunction, in that Plaintiffs have demonstrated a likelihood of success on the merits of their claims that these identification provisions violate Plaintiffs' members' constitutional rights, that Plaintiffs' members will suffer irreparable injury if the restraining order is not granted, that no third parties will be irreparably harmed if the restraining order is granted, and that the public interest will be served by the restraining order.

Specifically, this Court finds that the phrases "current," "other government document," "military identification," and "driver's license number" in the above provisions are unconstitutionally vague and have been and will be unequally applied by the Boards of Elections. The Court further finds that Boards of Elections are applying different interpretations of the laws regarding both whether voters must produce a photo identification with a current rather than former address, and whether absentee voters who vote in-person rather than by mail must satisfy the same voter-identification requirements applicable to Election Day voters.

Plaintiffs have made a strong showing that these voter identification requirements abridge the Plaintiffs' members' fundamental right to vote by violating both the Due Process Clause and the Equal Protection Clause. The above-referenced provisions violate the Due Process Clause because the vagueness of the language will cause the election to be fundamentally unfair. Because the voter identification provisions are so vague, county Boards of Elections have handled and will handle voters differently, in violation of the Equal Protection Clause. For these reasons, the harm to Plaintiffs' members and the general public is irreparable and must be prevented.

This Court further finds that the voter-identification laws violate the Fourteenth Amendment by imposing more burdensome identification requirements on Election Day voters than on absentee voters, and by requiring only some but not all voters to provide proof of their current addresses.

This Court further finds that the voter-identification laws violate the Due Process and Equal Protection Clauses of the Fourteenth Amendment by preventing an entire category of voters (those who do not have the required identification but do have a Social Security number) from voting on Election Day. This Court further finds that the voter-identification laws violate the rights of these voters not to pay a poll tax, as guaranteed by the Twenty-Fourth and Fourteenth Amendments to the United States Constitution.

Accordingly, Plaintiffs' Motion is WELL TAKEN and sustained. It is therefore ORDERED that the voter-identification laws are preliminarily enjoined. Defendant, J. Kenneth Blackwell, is to issue a directive and post it on the Defendant's website not later than \_\_\_\_ p.m. on November 1, 2006 requiring the respective County Boards of Elections of the State of Ohio to comply with this preliminary injunction.

All County Boards of Elections shall instruct voters that they are not required to comply with the voter-identification laws in House Bill 3.

This Court has considered the issue of bond and has concluded that there is no need for Plaintiffs to post any bond, as the incorrect issuance of this Order will not damage Defendant.

**IT IS SO ORDERED.**

---

ALGENON L. MARBLEY  
UNITED STATES DISTRICT JUDGE