

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

**THE NORTHEAST OHIO COALITION
FOR THE HOMELESS, et al.,**

Plaintiffs,

CASE NO. C2-06-896

JUDGE ALGENON L. MARBLEY

MAGISTRATE JUDGE TERENCE P. KEMP

v.

**JENNIFER BRUNNER,
in her official capacity as
Secretary of State of Ohio,**

Defendant.

ORDER

This Order clarifies the previous Order issued in this case on October 27, 2008.

First, the earlier Order did not, in any manner modify, reduce or expand the current Ohio law regarding the method of voting by the homeless. In 2006, the Ohio legislature enacted the current law, Ohio Revised Code § 3503.02(I) which states:

If a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location shall be deemed the person's residence for the purpose of registering to vote.

Second, the previous Order was prepared and submitted to the Court by counsel for Plaintiffs and Defendant, the Ohio Secretary of State. The only portion of the previous Order which referenced voting by the homeless was the requirement that the Secretary of State “instruct the County Boards of Elections that provisional ballots may not be rejected for failing to list a building address on the provisional ballot envelope if the voter resides at a location that

does not have an address.” (Order, 10/27/08, at p.2)

Finally, the Court notes that the statute set forth above as enacted by the Ohio legislature sets forth the only standards, by either the legislature or the various courts, which regulate voting by the homeless in Ohio .

October 29, 2008

DATE

/s/Edmund A. Sargus, Jr.

EDMUND A. SARGUS, JR.

UNITED STATES DISTRICT JUDGE