

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

NORTHEAST OHIO COALITION FOR THE HOMELESS, et al.,	:	Civil Action No. C2-06-896
Plaintiffs,	:	Judge Algenon L. Marbley
vs.	:	
J. KENNETH BLACKWELL,	:	PROPOSED ORDER GRANTING
Defendant.	:	PLAINTIFFS' MOTION FOR
	:	<u>DECLARATORY RELIEF</u>
	:	

This matter came to be heard upon Plaintiffs' Motion seeking an order of the Court, pursuant to 28 U.S.C. sections 2201 and 2202, declaring that the new law that governs the eligibility of provisional ballots to be counted, as enacted in House Bill 3 and codified at Ohio Revised Code Section 3505.183, is unconstitutionally vague and internally inconsistent.

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

The Court finds that the Plaintiffs have established that Ohio Revised Code Section 3505.183, is unconstitutionally vague and internally inconsistent, and because of the lack of guidance issued by the Defendant, will not be applied uniformly in this election by Boards of Elections, thus violating the Equal Protection Clause and working a patent and fundamental unfairness on the voters in violation of the Due Process Clause.

Accordingly, Plaintiffs' Motion is WELL TAKEN and sustained. The Court therefore DECLARES that this provision is unconstitutionally vague as applied to this election . 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 setting forth the specific and uniform procedures that Boards of Elections must apply when determining whether provisional ballots are eligible to be counted.

IT IS SO ORDERED.

ALGENON L. MARBLEY
UNITED STATES DISTRICT JUDGE