

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

The League of Women Voters of Ohio,)	
et al.,)	
)	
Plaintiffs,)	Civil Action No.: 3:04CV7622
)	
v.)	
)	
J. Kenneth Blackwell,)	
)	
Defendant)	
)	

PROPOSED AGREED ENTRY

The Parties having agreed to the terms of this Judgment Entry, it is hereby
ORDERED and ADJUDGED that:

1. With respect to Count I of the Complaint, judgment is rendered in accordance with the decisions filed by the United States Court of Appeals for the Sixth Circuit on October 26, 2004 in Sandusky County Democratic Party v. Blackwell, Case Nos. 04-4265/4266 and on October 27, 2004 in League of Women Voters v. Blackwell, Case No. 04-4293. To the extent that Count I challenged the restrictions in Directive 2004-33 as to who may cast provisional ballots, judgment is rendered for Plaintiffs. To the extent that Count I challenged Defendant's decision not to count provisional ballots cast in a precinct other than that of the elector's registration address, judgment is rendered for Defendant.

2. With respect to Count II of the Complaint, the Court holds that requiring a first time voter who registered by mail and did not provide documentary proof of identity to

verbally recite their numerical identifier in order to have their provisional ballot counted, as further delineated in the Court's decision rendered in this matter on October 21, 2004, is sufficient to comply with the Help America Vote Act of 2002. However, in accordance with the Court's determination that Defendant's Directive 2004 -07 permits such verbal recitation and does not require documentary proof of identity for ballots to be counted, judgment on Count II is rendered for Defendant.

3. Counts III, IV, and V of the Complaint are hereby voluntarily dismissed without prejudice.

4. The Parties shall bear their own attorney's fees and expenses.

5. The costs of this action are assessed equally to Plaintiffs and Defendant.

So ordered.

James G. Carr
United States District Judge

Agreed:

/s/ Donald J. McTigue

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