

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

PROJECT VOTE, et al.,	)	CASE NO. 1:06CV 1628
	)	
Plaintiffs,	)	JUDGE O'MALLEY
	)	
vs.	)	
	)	
J. KENNETH BLACKWELL, et al.,	)	
	)	
Defendants.	)	

**RESPONSE OF DEFENDANT WILLIAM D. MASON, PROSECUTING
ATTORNEY OF CUYAHOGA COUNTY, TO
PLAINTIFFS' APPLICATION FOR A PRELIMINARY INJUNCTION**

Plaintiffs have applied to this Court for a preliminary injunction preventing Defendants from enforcing Ohio Revised Code § 3503.14(A) and several other sections, divisions, or subdivisions of elections statutes that were enacted or amended by Ohio House Bill No. 3 of the 126th General Assembly ["H.B. 3"]. In the event that the Court determines that issuance of temporary injunctive relief is appropriate in this case, Defendant Prosecuting Attorney Mason respectfully submits that since Plaintiffs' Complaint and their arguments for issuance of a preliminary injunction concern only one paragraph of R.C. 3503.14(A), the remainder of division (A) should not be included in such relief.

As a result of H.B. 3, R.C. 3503.14(A) extensively regulates the form and content of voter registration forms. R.C. 3503.14(A), as amended, reads as follows, with the one paragraph that is at issue in this litigation identified by bold font:

3503.14 Contents of registration forms

(A) The secretary of state shall prescribe the form and content of the registration, change of residence, and change of name forms used in this state. The forms shall meet the requirements of the National Voter Registration Act of 1993 and shall include spaces for all of the following:

- (1) The voter's name;
- (2) The voter's address;
- (3) The current date;
- (4) The voter's date of birth;
- (5) The voter to provide one or more of the following:
 - (a) The voter's driver's license number, if any;
 - (b) The last four digits of the voter's social security number, if any;
 - (c) A copy of a current and valid photo identification, a copy of a military identification that shows the voter's name and current address, or a copy of a current utility bill, bank statement, government check, paycheck, or other government document, other than an notice of an election mailed by a board of elections under section 3501.19 of the Revised Code or a notice of voter registration mailed by a board of elections under section 3503.19 of the Revised Code, that shows the voter's name and address.
- (6) The voter's signature.

The registration form shall include a space on which the person registering an applicant shall sign the person's name and provide the person's address and a space on which the person registering an applicant shall name the employer who is employing that person to register the applicant.

Except for forms prescribed by the secretary of state under section 3503.11 of the Revised Code, the secretary of state shall permit boards of elections to produce forms that have subdivided spaces for each individual alphanumeric character of the information provided by the voter so as to accommodate the electronic reading and conversion of the voter's information to data and the subsequent electronic transfer of that data to the statewide voter registration database established under section 3503.15 of the Revised Code.

* * *

A copy of the voter registration form prescribed by the Ohio Secretary of State, printed from that Office's website, is attached hereto as Exhibit A. The sections of the form numbered 1 through 14 are all directed to the voter registration applicant and are not at issue in Plaintiffs' litigation. Only the section numbered 15, which corresponds to the bolded paragraph, above, in R.C. 3503.14(A), is directed to a voter registration helper, and only that section relates to the issues in this litigation.

It is respectfully submitted that, in the event that the Court should determine that Plaintiffs' application for a preliminary injunction should be granted with respect to the provisions of R.C. 3505.14(A) that are challenged in this litigation, it would be unnecessary to enjoin enforcement of the balance of division (A). As we rapidly approach the next general election, it is in the public interest to have certainty with respect to the form and contents of the portion of the Ohio voter registration form that is directed to the voter applicant, which portion is not at issue in this litigation. Compliance with and enforcement of that portion of the form need not be cast into an uncertain status by a preliminary injunction that is not narrowly drawn to match the Plaintiffs' claims.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2006, a copy of the foregoing *Response To Plaintiffs' Application For A Preliminary Injunction* was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system. Service was also made this date by regular U.S. Mail to the following:

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