

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

**OHIO A. PHILIP RANDOLPH
INSTITUTE,
NORTHEAST OHIO COALITION FOR
THE HOMELESS, and
LARRY HARMON,**

Plaintiffs,

v.

JON HUSTED,

*in his official capacity as Ohio Secretary of
State,*

Defendant.

**Case No. 2:16-cv-303
JUDGE GEORGE C. SMITH
Magistrate Judge Deavers**

ORDER

This matter is before the Court after notification by the parties that the Court's previous ruling in this case may still be depriving military and overseas voters of the opportunity to vote if they had requested an absentee ballot and were denied said ballot as a result of being removed from the voter registration role pursuant to Ohio's Supplemental Process. The parties have conferred and submit that the following agreed upon language will resolve this issue:

The Secretary of State shall instruct the boards of elections as follows:

If a Federal Postcard Application (*see*, 52 U.S.C. § 20301) or a Federal Write-In Absentee Ballot (*see*, 52 U.S.C. § 20303) is received pursuant to state law, and the board of elections determines that the applicant's voter registration was cancelled in 2015, 2013, or 2011 under Ohio's supplemental list maintenance program, the applicant shall be considered to have submitted the application by the deadline established in 52 U.S.C. § 20302(a)(2), so long as the other requirements of the Court's October 19, 2016 Opinion and Order (i.e., address within the same county of cancellation and no evidence of post-cancellation death, incarceration on a

felony conviction, etc.) are met.

The board shall make a reasonable effort to locate any Federal Postcard Applications (*see*, 52 U.S.C. § 20301) or a Federal Write-In Absentee Ballots (*see*, 52 U.S.C. § 20303) that were received prior to the date of this Directive, and this Directive shall apply to any such Applications or Absentee Ballots as are located.

Accordingly, the Ohio Secretary of State shall issue a Directive that includes the aforementioned language as soon as possible.

s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT