

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO**

Derek Hamilton et al.,	:	Case No. 1:08-cv-02546
Plaintiffs,	:	
vs.	:	Judge Donald Nugent
Ashland County Board of Elections, et al.,	:	
Defendants.	:	

**Reply in Support of Motion to Stay Dismissal of Plaintiffs' Complaint  
and to Order Delivery of Provisional Ballots to Plaintiffs**

Defendant's Memorandum in Opposition misses the point of Plaintiffs' request for a stay and order of provisional ballots. Plaintiffs disagree with the interpretation of Ohio's residency statutes as applied to their situation and assert that such interpretation deprived them of their First Amendment right to vote, and further, that such deprivation occurred in violation of their due process rights. On appeal, the Sixth Circuit could find that Plaintiffs meet the requirements for a TRO and preliminary injunction.

If Plaintiffs are not provided with provisional ballots, then a reversal in the Sixth Circuit will have no practical impact as they will have not preserved their votes to be counted. Therefore, Plaintiffs should be provided with provisional ballots pending the outcome of the appeal.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing *Reply* was filed electronically on November 3, 2008. 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.

/s/STEPHEN JOHNSONGROVE  
Stephen JohnsonGrove