

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA**

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

RICHARD SCOTT, in his official capacity
as Governor of the State of Florida, and
KEN DETZNER, in his official capacity as
Secretary of State of the State of Florida,

Defendants.

CASE NO. 4:16-cv-626-MW-
CAS

EMERGENCY MOTION TO ENFORCE PRELIMINARY INJUNCTION

Plaintiff Florida Democratic Party, by and through its attorneys, moves the Court for an order enforcing this Court's preliminary injunction issued on October 12, 2016 (the "Preliminary Injunction Order").

1. On October 12, 2016, this Court issued the Preliminary Injunction Order, which ordered the State of Florida to extend the voter registration deadline until October 18, 2016 in order to allow voters a fair opportunity to register given the devastation caused by Hurricane Matthew, which struck shortly before the existing October 11, 2016, deadline.

2. Within days, Plaintiff began receiving reports that Florida state and local election officials have indicated that they are unlikely to complete the

verification process for all voter registration applications before early voting begins in many counties on October 24, 2016. The consequences of the State failing to fully and timely implement the Court's October 12 Preliminary Injunction Order are severe and may result in the disenfranchisement of these voters.

3. In support of this motion, Plaintiff submits a Memorandum of Law. Plaintiff files this motion as an emergency motion pursuant to Local Rule 7.1(L) because early voting begins on October 24, 2016. It is essential that this Court resolve the motion before the deadline for the relief Plaintiff requests to be effective.

4. For the foregoing reasons, and for those set forth in Plaintiff's supporting Memorandum of Law, Plaintiff respectfully moves that the Court enter an order requiring Defendant Detzner, his officers, employees, and agents, all persons acting in active concert or participation with Defendant Detzner, or under Defendant Detzner's supervision, direction, or control:

(a) To transmit to Plaintiff a complete and fully updated list of registered voters in Florida as soon as possible but no later than 5:00 PM Eastern time on October 21, 2016.

(b) To complete the process of verifying voter registration applications as set forth in Fla. Stat. Ann. § 97.053 and Fla. Admin. Code Ann. r. 1S-2.039 no later than 5:00 PM Eastern time on October 23, 2016.

(c) To the extent any new voter registration applications remain outstanding as of 5:00 PM Eastern time on October 23, 2016, to transmit to Plaintiff no later than 5:00 PM Eastern time on October 24, 2016 and weekly thereafter (i) a complete and fully updated list of registered voters in Florida, (ii) a complete and fully updated list of new voter registration applications which the State has received and attempted to verify against specified government databases, but could not successfully verify, and has thus referred to applicable county election supervisors for further verification steps under Fla. Admin. Code Ann. r. 1S-2.039, and (iii) a complete and fully updated list of new voter registration applications which the State has received but not yet attempted to verify against specified government databases under Fla. Admin. Code Ann. r. 1S-2.039.

4. To clarify that voters who remain “unverified” after early voting begins be allowed to present appropriate identification at the polling place and vote a regular ballot.

Dated: October 17, 2016

Respectfully submitted,

/s/ Mark Herron

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PROPOSED ORDER TO ENFORCE PRELIMINARY INJUNCTION

This matter having come before the Court on Plaintiff Florida Democratic Party's Emergency Motion to Enforce Preliminary Injunction, and the Court, having considered the Motion, the supporting Memorandum of Law, and the declaration filed in support of the Motion,

IT IS ORDERED that the Motion is GRANTED as follows:

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. On October 12, 2016, this Court issued a preliminary injunction (the “Preliminary Injunction Order”) compelling the State of Florida to extend the voter registration deadline until October 18, 2016.

2. Subsequently, Plaintiff has received reports that Florida state and local election officials have indicated that they are unlikely to complete the verification process for all voter registration applications before early voting begins in many Florida counties on October 24, 2016, notwithstanding this court’s Preliminary Injunction Order.

3. Pursuant to Florida election procedures currently in place, there is a substantial likelihood that voters who show up at the polls before their voter registration applications are processed will not be able to cast regular ballots by completing identification verification on-site, and will instead have to cast provisional ballots as “unverified” voters.

4. The requirements to ensure that such provisional ballots are counted would be difficult for some voters to manage in light of competing personal and work demands, and may well be impossible for those still suffering from the lingering effects of Hurricane Matthew.

5. The State's delayed handling of registration application processing is an apparent and unacceptable effort to evade this Court's remedial injunctive relief as set forth in the Preliminary Injunction Order.

ORDER

Now, therefore, it is hereby ORDERED that Defendant Detzner, his officers, employees, and agents, all persons acting in active concert or participation with Defendant Detzner, or under Defendant Detzner's supervision, direction, or control, shall:

1. Transmit to Plaintiff a complete and fully updated list of registered voters in Florida as soon as possible but no later than 5:00 PM Eastern time on October 21, 2016.
2. Complete the process of verifying voter registration applications as set forth in Fla. Stat. Ann. § 97.053 and Fla. Admin. Code Ann. r. 1S-2.039 no later than 5:00 PM Eastern time on October 23, 2016.
3. To the extent any new voter registration applications remain outstanding as of 5:00 PM Eastern time on October 23, 2016, to transmit to Plaintiff no later than 5:00 PM Eastern time on October 24, 2016 and weekly thereafter (a) a complete and fully updated list of registered voters in Florida, (b) a complete and fully updated list of new voter registration applications which the

State has received and attempted to verify against specified government databases, but could not successfully verify, and has thus referred to applicable county election supervisors for further verification steps under Fla. Admin. Code Ann. r. 1S-2.039, and (c) a complete and fully updated list of new voter registration applications which the State has received but not yet attempted to verify against specified government databases under Fla. Admin. Code Ann. r. 1S-2.039.

4. Clarify that voters who remain “unverified” after early voting begins be allowed to present appropriate identification at the polling place and vote a regular ballot.

ENTERED this _____ day of October, 2016.

UNITED STATES DISTRICT COURT JUDGE

Presented by:

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