



October 26, 2018

Ken Detzner

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Dear Secretary Detzner, Director Matthews, Mr. Lux, Mr. McVay and Mr. Holland,

Common Cause Florida, the Lawyers Committee for Civil Rights Under Law, ACLU of Florida, ACLU, and Advancement Project national office write to express our continued concern about the lack of accurate and accessible information on how Florida voters can participate in the November 2018 election.

We appreciate Mr. McVay's prompt email response¹ to our previous letter dated October 18, 2018,² and the addition of a Hurricane Michael Election Resources ("HMER") webpage to the

¹ Appended as Exhibit B-1.

² Appended as Exhibit A-1.

Department of State Division of Elections website.³ However, the information contained on the HMER webpage and several County Supervisor of Elections websites is incomplete, unclear, and requires voters to take additional steps to find important information.

We reiterate our request that you make the following information, which is particularly important for displaced voters, available immediately on the HMER webpage:

1. How to vote in person at early voting and “mega-voting” locations, including whether displaced voters can vote at these locations if they are outside of their county;
2. How to vote by VBM ballot for voters in hurricane affected counties, including:
 - a. How voters can obtain and cast a VBM ballot if they cannot access their mailing address;
 - b. How voters can obtain and cast a VBM ballot if they have already requested, but cannot locate their mail-in ballot; and
 - c. How voters can verify whether a VBM ballot they have already sent back was received, and what to do if it was lost or destroyed due to the hurricane;
3. Information on United States Postal Service (“USPS”) mail delivery capability in affected counties, including where USPS is currently conducting residential delivery, whether delivery has been restored to individual County Supervisors of Elections offices, and whether and how mail delivery service may be limited.

It is our understanding that currently displaced voters can only vote in person at early and mega voting locations within their home county. If this is the case, we request that you: 1) consider changing this policy, given the large numbers of displaced voters currently residing outside their home county; and 2) clarify this policy, taking additional steps to ensure that all displaced voters are aware of whether they can vote in person outside their home county, and, if not, they are aware of how to receive and cast a VBM ballot outside their home county.

In addition, we request that you make all the above information, including the county-specific information, available in text form directly on the HMER webpage, instead of solely through links. Many Florida voters are currently limited in their internet access, often using shared and mobile connections at shelters, and making sure voters can get the information they need quickly and without the need to navigate and load multiple pages should be a priority.

The Florida SERT twitter account has yet to post election-related information.⁴ None of the County Supervisors of Elections websites contain a link to the HMER page. The Liberty County Supervisor of Elections website contains no information regarding hurricane-related election changes.⁵ We request that you ensure the above websites and twitter account contain a prominent link to the HMER webpage, and that this link be posted to the Facebook and Twitter accounts for Supervisor of Elections offices in all 35 counties included in the original emergency declarations.⁶

³ See <https://dos.myflorida.com/elections/for-voters/hurricane-michael-election-resources/>, last accessed 2:20pm EST, October 26, 2018.

⁴ See <https://twitter.com/FLSERT>, last accessed 2:24pm EST, October 26, 2018.

⁵ See <https://www.libertyelections.com/>, last accessed 2:24pm EST, October 26, 2018.

⁶ A spreadsheet containing a list of all social media accounts for these counties is appended as Exhibit C-1.

We reiterate our request that you disseminate this information through all available print, broadcast, and social media channels, and make printed versions available at government offices and supervised shelters in affected areas and throughout the state. We also request an update on what steps are being taken concerning the media campaign referenced in Mr. McVay's October 18, 2018 email.⁷

We reiterate our request that you direct County Supervisors of Elections in the hurricane impacted counties to offer voters the opportunity to cast ballots, including VBM ballots, directly at supervised shelters housing voters displaced from their homes by the storm and at other supervised or assisted living centers and nursing homes, as provided under Florida Statute § 101.655⁸ and Florida Rule 1S-9.005.⁹

We reiterate our request that you host a phone conference with us and other civic engagement organizations in order to share information and discuss ways to cooperate in ensuring that no eligible Florida voter is disenfranchised as a result of Hurricane Michael.

Finally, we are particularly concerned about the lack of information concerning the dates, hours, and locations where voters will be able to register to vote in counties whose Supervisor of Elections offices were closed on October 9, 2018, pursuant to Secretary Detzner's October 8, 2018 Directive.¹⁰ We have received reports that several county Supervisor of Elections offices have been reopened, or have been open intermittently, without any kind of notice provided to voters about their ability to register at those offices pursuant to Secretary Detzner's Directive.

As you are aware, a federal judge has issued two court orders dismissing requests to extend the deadline beyond the single additional day authorized by the Directive on the basis that, "properly understood, this directive is **mandatory**, ...applies to **any** county in which any supervisor's office that would ordinarily be open was instead closed for any part of the normal operating hours of October 9, ...[and] extends the deadline to the first full business day on which **all** a supervisor's offices were open."¹¹ Unless Secretary Detzner provides adequate notice to voters of their additional day to register, the Directive fails to afford voters in affected counties the equal protection of Florida election law as guaranteed by the United States Constitution¹² and pursuant to these orders.

Accordingly, we request that you provide us with detailed information about the implementation of Secretary Detzner's order, including and especially: 1) which counties are covered by the order, and 2) on which date those counties will have reopened all of their Supervisor of Elections

⁷ See Exhibit B-1, appended.

⁸ See Exhibit E, appended to Exhibit A-1, appended.

⁹ See Exhibit F, appended to Exhibit A-1, appended.

¹⁰ See Exhibit D, appended to Exhibit A-1, appended.

¹¹ Order Conditionally Denying Temporary Restraining Order, *Florida Democratic Party v. Detzner*, filed Oct. 10, 2018, Case No. 4:18cv463-RH-CAS at pp. 3-4 (emphasis added), appended as Exhibit D-1; see also Second Order Denying Preliminary Injunction, *New Florida Majority, et. al.*, filed Oct. 16, 2018, Case No. 4:18cv466-RH/CAS, appended as Exhibit E-1. Note that the Second Order denied the motion "for the reasons *and subject to the limitations* set out" in the first Order. *Id.* at p. 2 (emphasis added).

¹² See U.S. Const. Amend. XIV, sec. 1.

offices, thereby extending the voter registration deadline in that county to close of business on that day.

Thank you for your attention and cooperation,

Liza McClenaghan

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EXHIBIT A-1



October 19, 2018

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Dear Secretary Detzner, Director Matthews, Mr. Lux, Mr. McVay and Mr. Holland,

Common Cause Florida, the Lawyers Committee for Civil Rights Under Law, ACLU of Florida, ACLU, and Advancement Project National Office are writing to express our concern about the impact of Hurricane Michael on the upcoming general election in November.

We understand that Florida officials are working exceptionally hard to restore public services in the areas affected by the hurricane, and that state, county and city officials are focused on helping Florida residents to recover from this devastating storm. We also recognize the tireless efforts of the County Supervisors of Elections and their staffs to move quickly to provide services to their communities.

However, with the general election just weeks away and early voting beginning next week, and in light of the severe impact of the storm on Florida's voters and election facilities in Florida's Panhandle in particular, our organizations and many others have questions about what plans are being made to ensure that every eligible Florida voter is able to cast a ballot in the general election if they desire to do so and what steps will be taken to ensure that voters are not disenfranchised because of this natural disaster.

To date, we have identified at least 16 counties that have experienced some form of significant hurricane-related disruption, including power failures; destruction of, or severe damage to, residences, public offices and facilities, schools and businesses; the issuance of curfews; and disaster declarations. These counties include approximately 361 Election Day precincts and 38 Early Voting Sites, serving approximately 528,006 voters.¹ Approximately 70,766 Vote-By-Mail ("VBM") ballots have reportedly already been sent out to voters in the impacted counties.²

While the Executive Order³ issued yesterday by Governor Scott provides County Supervisors of Elections with additional authority to expand opportunities for early voting, VBM, and Election Day voting in seven of the affected counties, it also creates the risk that a piecemeal, county-by-county approach may further confuse voters who are already overwhelmed in the aftermath of the storm.

We are particularly concerned about the current lack of a publicly available, centralized online hub where Florida's voters can obtain accurate and up-to-date information about the upcoming election, including their county-specific voting information.

As you know, many of Florida's voters, election officials and poll workers have been displaced or have otherwise had their lives disrupted by the hurricane,⁴ and do not have the time or resources to track down information about election changes that are being made as a result of the storm, including revisions to early voting times and locations, precinct changes, and other important election information. In addition, many county offices are still closed,⁵ and we have heard widespread reports from voters who have attempted to contact their County Supervisors of Elections only to encounter inactive phone lines and websites with no information on disaster-related elections updates. With less than three weeks remaining until Election Day, it is imperative that this information be made easily accessible to voters in a centralized online location as soon as possible.

In order to reach as many voters as possible, we propose that this information be posted at a central hub located on the Division of Emergency Management website,⁶ and linked to from the Division of Elections website,⁷ the Department of State's Contact Your Supervisors of Elections

¹ See spreadsheet, appended as Exhibit A. Information current as of October 14, 2018.

² See spreadsheet, appended as Exhibit B. Information current as of October 14, 2018.

³ See full text, appended as Exhibit C.

⁴ James Call & Annie Blanks, *After Hurricane Michael, Florida Election Chiefs Look at 'Plan B and Plan C for Voters*, Oct. 17, 2018, available at <https://www.tallahassee.com/story/news/2018/10/17/election-chiefs-accept-hurricane-michael-challenge-florida-vote-voters-bay-calhoun/1663413002/>

⁵ Call & Blanks, *supra*.

⁶ <https://www.floridadisaster.org/info/>

⁷ <https://dos.myflorida.com/elections/>

website,⁸ and the individual counties' disaster information and Supervisor of Elections websites. This will allow voters to access up-to-date information about county-level elections infrastructure as conditions change, even while counties lacking power may not be able to update their individual county websites.

Recognizing that many voters from affected counties are currently residing elsewhere, and that many of those that remain lack electricity, we also propose that this information and a link to the central online hub be included in print, broadcast and social media statewide, and distributed in printed form for display in all public facilities as well as shelters and other storm response facilities in affected areas, and at all election-related facilities throughout the state.

Specifically, we request that you make the following information available on the central online hub and in print and broadcast form as described above, in easy-to-understand language, and that this information be updated in real time as conditions change:

1. Whether or when individual County Supervisor of Elections' offices will be open and fully functional, including the dates, hours, locations, and contact information for County Supervisors of Elections in affected counties;
2. The dates, hours, and locations for early voting in the hurricane-affected counties;
3. The dates, hours, and locations for Election Day voting in hurricane-affected counties;
4. The dates, hours, and locations post offices will be operating in affected counties;
5. How to vote in person at early voting and "mega-voting" locations,⁹ including whether displaced voters can vote at these locations if they are outside of their county;
6. How to vote by VBM ballot for voters in hurricane affected counties, including:
 - a. How voters can obtain and cast a VBM ballot if they cannot access their mailing address;
 - b. How voters can obtain and cast a VBM ballot if they have already requested, but cannot locate their mail-in ballot;
 - c. How voters can verify whether a VBM ballot they have already sent back was received, and what to do if it was lost or destroyed due to the hurricane; and,
7. The dates, hours, and locations where voters will be able to register to vote in counties whose Supervisor of Elections offices were closed on October 9, 2018, pursuant to Secretary Detzner's October 8, 2018 Directive.¹⁰

We also request that you direct County Supervisors of Elections in the hurricane impacted counties to offer voters the opportunity to cast ballots, including VBM ballots, directly at supervised shelters housing voters displaced from their homes by the storm and at other supervised or assisted living centers and nursing homes, as provided under Florida Statute § 101.655¹¹ and Florida Rule 1S-9.005.¹²

⁸ <https://dos.elections.myflorida.com/supervisors/>

⁹ Call & Blanks, *supra*.

¹⁰ See full text, appended as Exhibit D.

¹¹ See full text, appended as Exhibit E.

¹² See full text, appended as Exhibit F.

Finally, we request that you consider hosting a phone conference with us and other civic engagement organizations which are working to ensure that Florida voters impacted by the hurricane will be able to cast ballots if they choose to do so in the general election, so that we can learn about the plans being made by the state and counties to address these issues, offer our input and suggestions, and find ways to work cooperatively to help ensure that no eligible Florida voter is disenfranchised as a result of Hurricane Michael.

Thank you for your attention and cooperation,

Liza McClenaghan

State Chair

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EXHIBIT A

County	Power10/14	Curfew10/14	2018 Pri Precincts	2018 Election			
				2018 EV Pri	Republican Party of Florida	Florida Democratic Party	NPA/Minor
Alachua			63	5	49,066	83,302	42,327
Baker			9	1	7,885	5,301	1,626
Bay			44	4	61,943	30,745	26,699
Bradford			14	1	7,622	6,034	2,541
Brevard			163	8	174,727	128,916	111,919
Broward			577	21	247,067	577,248	328,641
Calhoun			15	1	2,521	5,113	1,007
Charlotte			67	3	59,795	36,487	36,710
Citrus			31	4	51,185	29,549	27,157
Clay			47	6	81,314	33,418	36,691
Collier			59	9	106,254	49,385	53,309
Columbia			22	2	18,012	14,377	7,394
DeSoto			15	1	5,553	7,274	3,815
Dixie			10	1	3,794	4,202	1,569
Duval			199	18	218,029	240,725	133,577
Escambia			79	8	93,889	70,930	44,398
Flagler			25	3	33,332	25,299	22,930
Franklin			8	2	2,508	4,032	1,094
Gadsden			25	4	4,703	21,978	2,980
Gilchrist			10	1	6,394	3,367	1,857
Glades			13	1	2,659	2,812	1,280
Gulf			10	2	4,832	3,968	1,288
Hamilton			8	1	2,417	4,262	985
Hardee			12	1	5,291	4,527	2,333
Hendry			10	2	6,319	7,861	3,418
Hernando			32	4	54,426	41,964	35,825
Highlands			25	3	26,914	17,837	13,617
Hillsborough			390	19	265,099	326,369	246,213
Holmes			8	1	6,123	3,307	1,212
Indian River			36	3	51,567	30,374	29,692
Jackson			14	3	10,196	14,457	3,033
Jefferson			16	1	3,153	5,407	1,144
Lafayette			5	1	1,625	2,374	313
Lake			102	10	101,527	70,809	59,090
Lee			127	10	187,732	118,273	130,909
Leon			155	8	57,007	108,389	41,482
Levy			13	1	12,886	9,220	5,460
Liberty			8	1	850	3,121	394
Madison			12	4	3,501	6,930	1,364
Manatee			70	5	103,829	73,431	63,159
Marion			125	9	105,860	78,822	54,491
Martin			30	1	56,237	28,631	28,476
Miami-Dade			762	20	369,488	586,648	442,766

Monroe	33	5	20,665	17,113	15,110
Nassau	15	4	37,821	14,363	13,661
Okaloosa	52	5	76,848	25,000	31,177
Okeechobee	11	1	8,809	7,326	4,128
Orange	247	15	207,115	326,226	239,171
Osceola	87	6	48,339	90,727	73,104
Palm Beach	791	15	259,101	387,445	272,231
Pasco	110	11	134,489	108,199	103,191
Pinellas	299	3	231,566	232,501	190,380
Polk	167	9	145,568	144,544	118,109
Putnam	35	3	18,694	18,865	9,341
Santa Rosa	41	4	76,335	25,164	28,893
Sarasota	99	5	133,444	96,052	84,328
Seminole	80	7	108,937	100,003	85,518
St. Johns	46	6	96,682	43,547	43,471
St. Lucie	64	5	64,484	79,433	56,201
Sumter	26	6	51,340	23,763	19,990
Suwannee	16	3	11,750	9,764	4,117
Taylor	14	1	4,393	6,339	1,261
Union	13	1	3,160	3,387	750
Volusia	125	5	133,257	128,828	113,776
Wakulla	12	1	8,471	8,450	3,603
Walton	21	4	29,653	9,578	10,104
Washington	12	1	8,081	5,342	2,290
Total	5,881	340	4,594,133	4,839,434	3,580,090

16 Counties	Precincts	361	38
	sub Leon	206	30

Total

174,695
14,812
119,387
16,197
415,562
1,152,956
8,641
132,992
107,891
151,423
208,948
39,783
16,642
9,565
592,331
209,217
81,561
7,634
29,661
11,618
6,751
10,088
7,664
12,151
17,598
132,215
58,368
837,681
10,642
111,633
27,686
9,704
4,312
231,426
436,914
206,878
27,566
4,365
11,795
240,419
239,173
113,344
1,398,902

52,888
65,845
133,025
20,263
772,512
212,170
918,777
345,879
654,447
408,221
46,900
130,392
313,824
294,458
183,700
200,118
95,093
25,631
11,993
7,297
375,861
20,524
49,335
15,713
13,013,657

528,006 Voters

321,128

EXHIBIT B

Vote-By-Mail Provided (Not Yet Returned)

County	Election	Republican	Democrat	Other	No Party Affiliation	Total
Alachua	10481 - 2018 General	8,438	16,867	219	5,119	30,643
Baker	10481 - 2018 General	811	500	2	68	1,381
Bay	10481 - 2018 General	7,276	4,515	76	1,708	13,575
Bradford	10481 - 2018 General	1,485	1,058	11	287	2,841
Brevard	10481 - 2018 General	47,482	41,504	684	18,289	107,959
Broward	10481 - 2018 General	50,437	132,335	1,208	48,277	232,257
Calhoun	10481 - 2018 General	323	649	6	48	1,026
Charlotte	10481 - 2018 General	13,656	9,896	197	5,735	29,484
Citrus	10481 - 2018 General	13,611	8,812	171	4,982	27,576
Clay	10481 - 2018 General	14,005	6,082	144	4,392	24,623
Collier	10481 - 2018 General	26,628	11,755	201	9,259	47,843
Columbia	10481 - 2018 General	3,106	2,494	33	766	6,399
DeSoto	10481 - 2018 General	795	869	11	261	1,936
Dixie	10481 - 2018 General	630	566	8	151	1,355
Duval	10481 - 2018 General	24,702	27,621	408	8,780	61,511
Escambia	10481 - 2018 General	15,839	10,827	193	4,654	31,513
Flagler	10481 - 2018 General	5,707	5,743	69	2,748	14,267
Franklin	10481 - 2018 General	583	850	21	145	1,599
Gadsden	10481 - 2018 General	623	3,124	10	186	3,943
Gilchrist	10481 - 2018 General	684	395	7	101	1,187
Glades	10481 - 2018 General	381	253	2	75	711
Gulf	10481 - 2018 General	536	500	10	59	1,105
Hamilton	10481 - 2018 General	499	733	4	104	1,340
Hardee	10481 - 2018 General	498	371	2	132	1,003
Hendry	10481 - 2018 General	751	788	4	175	1,718
Hernando	10481 - 2018 General	13,121	11,305	208	6,004	30,638
Highlands	10481 - 2018 General	4,959	3,452	34	1,477	9,922
Hillsborough	10481 - 2018 General	66,735	84,441	1,233	40,593	193,002
Holmes	10481 - 2018 General	964	597	4	85	1,650
Indian Rive	10481 - 2018 General	9,623	6,315	128	3,517	19,583
Jackson	10481 - 2018 General	1,428	2,135	5	217	3,785
Jefferson	10481 - 2018 General	327	598	0	90	1,015
Lafayette	10481 - 2018 General	197	246	2	28	473
Lake	10481 - 2018 General	15,357	11,862	158	5,384	32,761
Lee	10481 - 2018 General	59,770	35,017	568	26,002	121,357
Leon	10481 - 2018 General	8,967	16,682	133	3,525	29,307
Levy	10481 - 2018 General	2,954	1,782	68	623	5,427
Liberty	10481 - 2018 General	75	305	1	25	406
Madison	10481 - 2018 General	361	632	3	82	1,078
Manatee	10481 - 2018 General	32,421	23,526	432	13,761	70,140
Marion	10481 - 2018 General	18,774	12,986	178	5,754	37,692
Martin	10481 - 2018 General	11,905	6,402	136	3,593	22,036
Miami-Dad	10481 - 2018 General	107,744	146,235	1,301	85,387	340,667
Monroe	10481 - 2018 General	5,553	4,664	102	2,437	12,756
Nassau	10481 - 2018 General	5,946	2,632	64	1,476	10,118

Okaloosa	10481 - 2018 General	9,336	4,265	148	3,158	16,907
Okeechobee	10481 - 2018 General	1,042	796	15	254	2,107
Orange	10481 - 2018 General	42,886	72,940	793	34,283	150,902
Osceola	10481 - 2018 General	13,928	24,473	217	13,297	51,915
Palm Beach	10481 - 2018 General	47,561	90,009	978	33,529	172,077
Pasco	10481 - 2018 General	23,749	21,900	397	12,705	58,751
Pinellas	10481 - 2018 General	92,471	95,528	1,508	51,269	240,776
Polk	10481 - 2018 General	37,920	34,945	433	17,438	90,736
Putnam	10481 - 2018 General	2,468	2,495	29	640	5,632
Santa Rosa	10481 - 2018 General	7,845	3,361	107	2,136	13,449
Sarasota	10481 - 2018 General	27,326	26,367	332	11,732	65,757
Seminole	10481 - 2018 General	25,090	23,372	386	13,276	62,124
St. Johns	10481 - 2018 General	13,104	8,426	173	4,232	25,935
St. Lucie	10481 - 2018 General	12,053	15,205	151	6,621	34,030
Sumter	10481 - 2018 General	8,648	5,459	57	2,873	17,037
Suwannee	10481 - 2018 General	2,190	1,661	16	369	4,236
Taylor	10481 - 2018 General	869	1,208	8	116	2,201
Union	10481 - 2018 General	343	373	0	28	744
Volusia	10481 - 2018 General	27,673	26,104	439	15,481	69,697
Wakulla	10481 - 2018 General	1,039	1,130	8	256	2,433
Walton	10481 - 2018 General	3,114	1,057	36	563	4,770
Washington	10481 - 2018 General	1,147	769	5	146	2,067

**Ballots out in
affected counties: 70,766**

Compiled

10/13/2018 7:12AM

10/13/2018 7:12AM

10/10/2018 7:12AM

10/13/2018 7:12AM

10/13/2018 7:12AM

10/14/2018 7:25AM

10/10/2018 7:12AM

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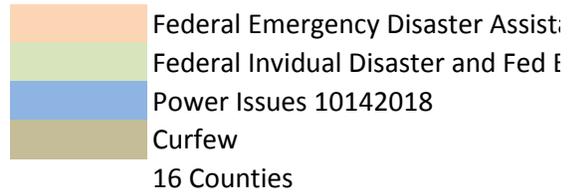
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ance not including Individual
Emergency Assistance

EXHIBIT C

STATE OF FLORIDA

OFFICE OF THE GOVERNOR EXECUTIVE ORDER NUMBER 18-283 (Emergency Management—Elections)

WHEREAS, on October 10, 2018, Hurricane Michael made landfall in Bay County as a category 4 hurricane with sustained winds of 155 miles per hour, traveled across North Florida, and exited the state as a category 3 hurricane, disrupting the lives of Floridians throughout the Florida Panhandle; and

WHEREAS, the effects of Hurricane Michael included destruction of and damage to public and private facilities, loss of power to more than 400,000 homes and businesses; disruption in telecommunications capability, damage to public roads and highways, and the evacuation of families from their homes; and

WHEREAS, the effects of Hurricane Michael described above have had a particular impact—continuing to this day—on Bay, Calhoun, Franklin, Gadsden, Gulf, Jackson, Liberty, and Washington Counties (the “Affected Counties”), with reports of severe damage to infrastructure, extended power outages, and telecommunications disruptions; and

WHEREAS, the General Election is scheduled for November 6, 2018, vote-by-mail balloting is already in progress, and the mandatory early voting period is scheduled to begin on Saturday, October 27, 2018; and

WHEREAS, county Supervisors of Elections in the Affected Counties have reported to Florida’s Secretary of State that polling locations have sustained damage, that they continue to experience utility and telecommunications disruptions, and/or that they anticipate hardship in providing a sufficient number of adequately trained poll workers at polling locations; and

WHEREAS, ensuring that eligible voters in the Affected Counties have ample opportunities to vote in the General Election is paramount; and

WHEREAS, because of the effects of Hurricane Michael in the Affected Counties, the strict application of some provisions of the Florida Election Code may prevent, hinder, or delay necessary action in coping with the emergency and may preclude local Supervisors of Elections from providing voters in the Affected Counties with the same opportunities to cast ballots as voters outside the Affected Counties;

NOW, THEREFORE, I, RICK SCOTT, as Governor of Florida, by virtue of the authority vested in me by Article IV, Section 1(a) of the Florida Constitution, by the Florida Emergency Management Act, as amended, by the Elections Emergency Act, and all other applicable laws, do hereby promulgate the following Executive Order, to take immediate effect:

Section 1 (Early Voting):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of Section 101.657, Florida Statutes, in the Affected Counties and establish the following limited exceptions related to early voting:

Each Supervisor of Elections in an Affected County who, as a result of the destruction caused by Hurricane Michael, determines that additional early voting opportunities are necessary to provide the voters in his or her county an adequate opportunity to cast ballots, shall have the authority to:

- a. Designate one or more additional or alternative early voting sites, notwithstanding the deadlines and facility eligibility restrictions set forth in Section 101.657(1)(a) and (b), Florida Statutes, provided the early voting sites are geographically located so as to provide all voters in the Affected County an equal opportunity to cast a ballot, insofar as is practicable; and

- b. Conduct early voting in the Affected Counties beginning on the 15th day before the General Election and ending on the day of the General Election, at the discretion of the Supervisor of Elections, notwithstanding the provisions of Section 101.657(1)(d), Florida Statutes.

Section 2 (Vote-by Mail Ballots):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of section 101.62, Florida Statutes, in the Affected Counties and establish the following limited exceptions relating to vote-by-mail ballots:

- a. Notwithstanding the provisions of Section 101.62(1)(b), Florida Statutes, each Supervisor of Elections in an Affected County shall have the authority to accept a written or telephonic request for a vote-by-mail ballot to be mailed to an address other than the elector's address on file in the Florida Voter Registration System in the same manner as is authorized for absent uniformed service voters or overseas voters seeking a vote-by-mail ballot; and
- b. Notwithstanding the provisions of Section 101.62(4)(c)1., Florida Statutes, each Supervisor of Elections in an Affected County shall have the authority to send vote-by-mail ballots by forwardable mail to allow electors to accept delivery at an alternative address provided by the elector to the United States Postal Service; and
- c. Notwithstanding the provisions of Section 101.62(4)(c)5., Florida Statutes, each Supervisor of Elections in an Affected County shall have the authority to deliver a vote-by-mail ballot to an elector or an elector's immediate family member on the day of the election without requiring the execution of an affidavit affirming facts constituting an emergency.

Section 3 (Relocation or Consolidation of Polling Places):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of Section 101.001, Florida Statutes, in the Affected Counties and establish the following limited exceptions relating to polling places:

Notwithstanding the provisions of section 101.001, Florida Statutes, each Supervisor of Elections in an Affected County who, as a result of the destruction caused by Hurricane Michael, determines that it is necessary to relocate or consolidate any polling place, shall have the authority to relocate or consolidate polling places within the Affected County, including relocation or consolidation of polling places with early voting sites.

Section 4 (Poll Watcher Designations):

Because of the foregoing emergency conditions, I hereby suspend the application of the following limited provisions of section 101.131(2), Florida Statutes, in the Affected Counties and establish the following limited exceptions relating to poll watchers:

Notwithstanding the provisions of section 101.131(2), Florida Statutes, any party, political committee, or candidate requesting to have poll watchers shall designate poll watchers for each polling location on a form prescribed by the Division of Elections before noon of the second Friday preceding the General Election.

Section 5 (Election Coordination):

I hereby direct the Secretary of State, as Chief Election Officer, to coordinate efforts between Supervisors of Elections in the Affected Counties and Supervisors of Elections outside the Affected Counties to ensure voting opportunities for those affected by Hurricane Michael, including efforts to ensure the delivery of vote-by-mail ballots to law enforcement, military, first responders, utility lineworkers, and volunteers assisting with recovery efforts; efforts to ensure the delivery of vote-by-mail ballots to residents of nursing homes and hospital patients in the Affected Counties

who were evacuated to facilities outside their counties of residence; and all other appropriate actions consistent with the Florida Election Code and this Executive Order.

All executive agencies are directed, and all other state agencies are requested, to render such aid and assistance as needed by the Supervisors of Elections in the Affected Counties to the end that the purposes of this Executive Order may be accomplished.

Section 6 (Notice to the Public and the Division of Elections):

Each Supervisor of Elections in an Affected County who exercises authority under this Executive Order shall immediately certify that fact to the Director of the Division of Elections of the Florida Department of State and shall provide notice to the public regarding any changes in voting locations or procedures in a manner designed to ensure widespread dissemination of voting information to members of the public in the Affected Counties, including through print and broadcast media, website postings, and posted signage at polling locations.

The Secretary of State is directed to notify me of any Supervisors of Elections in the Affected Counties who avail themselves of the limited exceptions contained in this Executive Order.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed, at Tallahassee, the Capitol, this 18th day of October, 2018.



Governor

ATTEST:

SECRETARY OF STATE

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA
OCT 18 AM 9:25

FILED

EXHIBIT D



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

To: Supervisors of Elections

From: Ken Detzner
Florida Secretary of State

Date: October 8, 2018

Subject: Directive 2018-03 - Voter Registration Deadline/Hurricane Michael

The Florida Department of State is committed to ensuring that all eligible Floridians are able to register to vote, including those Floridians who may be impacted by Hurricane Michael, which is forecasted to make landfall as a category 3 storm on Florida's Gulf Coast. We encourage all Floridians to use the Department's secure, fast, and easy online voter registration website: RegisterToVoteFlorida.gov. The website is mobile-friendly and available 24 hours a day, seven days a week. The Department's efforts to launch voter registration online have been successful with more than 40,000 people utilizing this new tool to register to vote or update their voter registration online during the past week.

Florida law requires the voter registration books to be closed on the 29th day before each election. For the 2018 General Election, the deadline is Tuesday, October 9, 2018. At the same time, thirty-five Florida counties are currently under a declared state of emergency due to the approach of Hurricane Michael.

In my capacity as the Chief Elections Officer of the State of Florida and pursuant to my authority in section 97.012(16), Florida Statutes (2018), and as directed by Governor Rick Scott, I hereby issue this directive regarding the book closing deadline established by section 97.055, Florida Statutes.

Any Supervisor of Elections whose office is closed on Tuesday, October 9, 2018, the book closing deadline, as a result of Hurricane Michael is authorized to accept paper voter registration applications for the 2018 General Election on the next day that his or her office is reopened. **This will ensure that each Supervisor of Elections Office has the same amount of days to register voters at their offices.**

The deadline to submit an online voter registration application will not change and will remain at 11:59 p.m., October 9, 2018.

Please notify the Division of Elections if your offices will be closed on October 9, 2018, due to Hurricane Michael and the date your office reopens following the storm. This will allow Department staff to process voter registration applications consistent with this directive.

Division of Elections

R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6200 • 850.245.6218 (Fax) DOS.MyFlorida.com/elections



EXHIBIT E

Florida Statute § 101.655 **Supervised voting by absent electors in certain facilities**

- (1) The supervisor of elections of a county shall provide supervised voting for absent electors residing in any assisted living facility, as defined in s. 429.02, or nursing home facility, as defined in s. 400.021, within that county at the request of any administrator of such a facility. Such request for supervised voting in the facility shall be made by submitting a written request to the supervisor of elections no later than 21 days prior to the election for which that request is submitted. The request shall specify the name and address of the facility and the name of the electors who wish to vote by mail in that election. If the request contains the names of fewer than five voters, the supervisor of elections is not required to provide supervised voting.
- (2) The supervisor of elections may, in the absence of a request from the administrator of a facility, provide for supervised voting in the facility for those persons who have requested vote-by-mail ballots. The supervisor of elections shall notify the administrator of the facility that supervised voting will occur.
- (3) The supervisor of elections shall, in cooperation with the administrator of the facility, select a date and time when the supervised voting will occur.
- (4) The supervisor of elections shall designate supervised voting teams to provide the services prescribed by this section. Each supervised voting team shall include at least two persons. Each supervised voting team must include representatives of more than one political party; however, in any primary election to nominate party nominees in which only one party has candidates appearing on the ballot, all supervised voting team members may be of that party. No candidate may provide supervised voting services.
- (5) The supervised voting team shall deliver the ballots to the respective absent electors, and each member of the team shall jointly supervise the voting of the ballots. If any elector requests assistance in voting, the oath prescribed in s. 101.051 shall be completed and the elector may receive the assistance of two members of the supervised voting team or some other person of the elector's choice to assist the elector in casting the elector's ballot.
- (6) Before providing assistance, the supervised voting team shall disclose to the elector that the ballot may be retained to vote at a later time and that the elector has the right to seek assistance in voting from some other person of the elector's choice without the presence of the supervised voting team.
- (7) If any elector declines to vote a ballot or is unable to vote a ballot, the supervised voting team shall mark the ballot "refused to vote" or "unable to vote."
- (8) After the ballots have been voted or marked in accordance with the provisions of this section, the supervised voting team shall deliver the ballots to the supervisor of elections, who shall retain them pursuant to s. 101.67.

...

Florida Statute § 429.02 **Definitions**

When used in this part, the term:

...

- (5) "Assisted living facility" means any building or buildings, section or distinct part of a building, private home, boarding home, home for the aged, or other residential facility, regardless of whether operated for profit, which through its ownership or management provides housing, meals, and one or more personal services for a period exceeding 24 hours to one or more adults who are not relatives of the owner or administrator.

EXHIBIT F

Florida Rule 1S-9.005 Comprehensive Emergency Suspension of Election Plan.

(1) Notice of suspended or delayed election. As soon as possible after a regularly scheduled election or a special election has been suspended or delayed pursuant to section 101.733, F.S., the supervisor of elections from an affected county or the municipal clerk from an affected municipality must provide public notice of the suspended or delayed election. Such notification must be:

- (a) Published through public service announcements in the print and electronic media, if available;
- (b) Posted on the respective supervisor of elections and/or municipal clerk's website (if functioning); and,
- (c) Displayed in at least five different conspicuous places in the affected county or municipality.

(2) Conduct of rescheduled election.

(a) As soon as possible after a suspended or delayed election has been rescheduled, the supervisor of elections from an affected county or the municipal clerk from an affected municipality holding the rescheduled election shall coordinate with the members of the governing body for the orderly conduct of such election, where applicable.

(b) If the suspended or delayed election involves a countywide, multicounty, or statewide election, each supervisor of elections from the affected area shall provide as soon thereafter as possible the following information to the Division of Elections to facilitate coordination and assistance as needed:

1. Contact information for Continuity of Operations Plan (COOP) using Form DS-DE 149, entitled "COOP Contact Information Form," (Eff. 12/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-09056>) which is hereby incorporated by reference. This form is available by request from the Division at Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contacting the Division at (850)245-6200, or by download from the Division's webpage at: <http://dos.myflorida.com/elections/forms-publications/forms/>.

2. Any changes to early voting sites, days and hours as reported pursuant to section 101.657, F.S. Any change must be made in accordance with section 101.657, F.S., unless otherwise authorized by executive order.

3. Any changes to the number of precincts and/or polling places pursuant to section 101.71, F.S.

4. Status report regarding availability, loss, and destruction of polling places and early voting sites pursuant to subsection (3), voting equipment, precinct registers, ballots and other election materials.

5. Availability, need and plan for securing poll workers.

6. Whether the county has established or will establish temporary vote-by-mail sites pursuant to subsection (5), and if so, how many.

7. A copy of the designation of the Supervisor of Elections' Office Emergency Interim Successors designated pursuant to section 22.06, F.S.

(3) Polling places and early voting services. The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall:

(a) Identify the number of previously established polling places and early voting sites that:

1. Are functional;
2. Can be repaired or restored to functionality, safety, and accessibility pursuant to section 101.715, F.S.; and,
3. Have been destroyed or cannot otherwise be repaired or restored to functionality, safety, or accessibility.

(b) Determine the safety and ability to use existing polling places and early voting sites and the need and availability of alternate polling places and early voting sites.

1. Such determination and efforts to establish new temporary polling places and early voting sites shall be made in coordination with federal, state, and local emergency management agencies as needed.

2. Only the Supervisor of elections is authorized to establish new temporary polling places or early voting sites.

3. Tents or other temporary structures may be utilized as new temporary polling places.

4. Sufficient lighting must exist along the accessible path of travel to and from, and within the polling place and early voting area.

(c) Coordinate with federal, state, and local emergency management agencies as needed, to include the county and city law enforcement and the National Guard in an effort to:

1. Provide security for polling places and early voting sites, voting equipment, precinct registers and election materials at existing, destroyed, and newly established temporary polling places;

2. Secure salvageable voting equipment, precinct registers (electronic or paper) and other election materials from destroyed or

damaged polling places; and,

3. Mitigate loss or damage of polling places and early voting sites, voting equipment, electronic media, and election materials.

(d) Supervisors of elections and municipal clerks shall adhere to their established security procedures to the extent practicable given the emergency circumstances.

(4) Poll workers. The supervisor of elections from an affected county or the municipal clerk from an affected municipality shall:

(a) Appoint poll workers as needed.

(b) Provide the appropriate credentials that will clearly identify poll workers who will assist in the rescheduled election process.

(c) May recruit and train qualified registered electors in the State of Florida to serve as poll workers if shortages exist within the respective jurisdiction.

(5) Vote-by-mail ballots. The supervisor of elections from an affected county or the municipal clerk from an affected municipality:

(a) May establish temporary vote-by-mail ballot sites in the affected areas or at any place in the county or city, and, if established, must publicize those sites through public service announcements in the manner specified in subsection (1).

1. Such sites must be secure, supervised and under the direct control of the supervisor of elections or the municipal clerk.

2. All vote-by-mail ballots shall be distributed at and collected from such sites at least daily under the supervision and direct control of the supervisor of elections or the municipal clerk. On election day, the returned ballots shall be collected from the sites sufficiently in advance to be received by 7:00 p.m. by such supervisor of elections or municipal clerk.

(b) Any registered voter who is a resident of the affected area, or any elector of the state who is in the affected area providing emergency assistance including emergency responders, may request and obtain a vote-by-mail ballot on election day without having to execute an Election Day Vote-by-Mail Ballot Delivery Affidavit. If an elector from outside the county jurisdiction is providing emergency assistance on election day, the elector's supervisor of elections may fax or email a vote-by-mail ballot to the elector, but the elector may only return the voted ballot by fax. The supervisor of elections or the municipal clerk in the county where the voter is registered must still receive the ballot by 7:00 p.m. on the regularly scheduled or delayed election day, whichever is applicable.

(6) Voting and tabulation equipment. Supervisors of elections from affected counties or municipal clerks from affected municipalities:

(a) Shall follow established procedures for securing voting equipment, ancillary equipment and election materials where power outages and evacuations exist and ensure back-up power.

(b) May borrow or lease certified voting and tabulation equipment or voting systems which have been certified pursuant to section 101.015(1), F.S., and rule chapter 1S-5, F.A.C., for use in the rescheduled election. Where a central or regional counting center cannot be established within the area affected by the emergency, ballots may be tabulated in other counties.

(c) Shall conduct a logic and accuracy test pursuant to section 101.5612(1), F.S.:

1. On any certified tabulation equipment that will be used in the rescheduled election if said equipment was not tested during the logic and accuracy test conducted for the originally-scheduled election.

2. On all certified tabulation equipment to be used in the rescheduled election, if parameters used within the voting system to define the tabulation and reporting instructions are changed in any way, notwithstanding that the equipment was tested during the logic and accuracy test conducted for the originally-scheduled election.

(d) Shall comply with the requirements of section 101.5607(1)(b), F.S., which are otherwise applicable to elections conducted utilizing the voting systems being used.

(e) Shall coordinate with election equipment vendors as needed to ensure properly functioning and sufficient voting and tabulation equipment and support are available for the rescheduled election.

(7) Other public notices for the delayed or suspended election.

(a) Any notices of election relating to offices or issues which will appear on the ballot that have been published prior to the suspension or delay of an election need not be republished, even if those notices are date specific,

(b) Canvassing board meetings; logic and accuracy tests conducted pursuant to section 101.5612(1), F.S., which have been previously noticed but are affected by the suspension or delay of an election must be renoticed through public service announcements in the manner specified in subsection (1).

(8) Ballots. The supervisor of elections from an affected county or the municipal clerk from an affected municipality:

(a) Must ensure the security of all ballots in accordance with established procedures for storing, transporting, tabulating, and handling ballots.

(b) May utilize law enforcement officers, the National Guard, and poll workers to transport or secure ballots.

(c) May, in coordination with law enforcement officers or the National Guard, deliver ballots to other counties for tabulation when a central or regional counting center cannot be established within the area affected by the emergency. However, any ballot transportation or tabulation must be done under the supervision and control of the affected supervisor of elections or municipal clerk who shall at all times have the responsibility to ensure the safety and safekeeping of the ballots and election results.

(9) Election returns.

(a) Where a multicounty or statewide election is suspended or delayed pursuant to section 101.733, F.S., all supervisors of elections must withhold returns for affected races until the supervisors of elections in those counties where an election has been suspended or delayed have conducted rescheduled elections and are able to certify returns to the Division. The Division will notify the supervisors of elections when returns are to be delayed and when returns shall be certified to the Division.

(b) Where a county or municipal election, or any part of a county or municipal election, is suspended, no results from an affected race may be released by the supervisor of elections or municipal clerk until after the polls have closed in those jurisdictions with delayed elections.

Rulemaking Authority 101.733(3) FS. Law Implemented 101.733(3) FS. History—New 3-13-94, Amended 2-21-18.

EXHIBIT B-1

Ryan Snow

From: McVay, Brad R. <Brad.McVay@dos.myflorida.com>
Sent: Friday, October 19, 2018 5:47 PM
To: Julie Houk
Cc: FSASE-fsase@bplawfirm.net; Ezra Rosenberg; Natalie Cone; Liza McCleneghan; Allegra Chapman; Nancy Abudu; Julie Ebenstein; Donita Judge; Ryan Snow; Marcia Johnson-Blanco
Subject: Hurricane Michael resource page

To all,
Please see below:

The Department has posted a Hurricane Michael Resource page to provide a one stop location for information. The site will be linked in multiple places and will be utilized in a media campaign for voter information starting soon.

It currently can be reached at one of the following four locations:

1. <https://yourvote florida.com>
2. <https://dos.myflorida.com/elections/for-voters/hurricane-michael-election-resources/>
3. <https://dos.myflorida.com/elections/>
4. <https://dos.myflorida.com/>
5. We will review other websites for addition as appropriate.

Thank you,
Brad McVay
Interim General Counsel
Florida Dept. of State

Sent from my iPhone

On Oct 19, 2018, at 11:45 AM, Julie Houk <jhouk@lawyerscommittee.org> wrote:

Dear Secretary Detzner, Mr. Holland, Ms. Matthews, Mr. Lux and Mr. McVay,

Attached please find correspondence from Common Cause Florida, the ACLU of Florida, Advancement Project and the Lawyers' Committee for Civil Rights Under Law regarding the impact of Hurricane Michael on the upcoming midterm elections and election planning in the wake of the storm's impact on the state and voters.

We will also be faxing the letter to you.

Thank you for your attention in this matter.

Very truly yours,

Julie Houk

Julie M. Houk

Senior Special Counsel, Voting Rights Project

Lawyers' Committee for Civil Rights Under Law

1500 K Street NW

Suite 900

Washington, DC 20005

Direct Telephone: (202) 662-8391

General Fax: (202) 783-0857

Email: jhouk@lawyerscommittee.org

www.lawyerscommittee.org <https://urldefense.proofpoint.com/v2/url?u=http-3A_www.lawyerscommittee.org_&d=DwMFAw&c=JDr0t6f77aOFP4neilo99w&r=4TKLHB1s9zlpYbKbpGtoDVLn-yvVZsefbmEkAUnyRNng&m=Nf-pYO2ZeVD4-fwthECUa7FvCKUEv-I3CuJ67BVFhf8&s=Nm_WxCLm0OBPFDLLBFyHuEphPI4GFEY0KgXJLM8A_c&e=>

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Moving America Toward Justice

[cid:02663423-7f48-4b96-8bbc-bfa625bf9321]

<Outlook-z5bartot.png>

<Florida Letter Re Hurricane Michael and Midterm Elections 10.19.18.pdf>

The Department of State is committed to excellence.
Please take our [Customer Satisfaction Survey](#).

EXHIBIT C-1

County	Website	Facebook	Twitter
Alachua	https://www.votealachua.com/	https://www.facebook.com/VoteAlachua/	
Baker	https://www.bakerelections.com/	No social media accounts	
Bay	https://www.bayvotes.org	https://www.facebook.com/BayVotes/	https://twitter.com/BayVotes
Bradford	https://www.bradfordelections.com/	https://www.facebook.com/Bradford-County-Supervisor-of-Elections-90948917732/	https://twitter.com/bradford_votes
Calhoun	https://www.votecalhoun.com/	https://www.facebook.com/Calhoun-County-Florida-Supervisor-of-Elections-108463026360/	
Citrus	https://www.votecitrus.com/	https://www.facebook.com/Citrus-County-Supervisor-of-Elections-102662674078/	
Columbia	https://www.votecolumbia.com/	https://www.facebook.com/Columbia-County-Supervisor-Of-Elections-1486396011579158/	
Dixie	https://www.dixievotes.com/	https://www.facebook.com/dixievotes/	
Escambia	https://www.escambiovotes.com	https://www.facebook.com/EscambiaVotes-235293434506/	https://twitter.com/EscambiaVotes
Franklin	https://www.votefranklin.com/	https://www.facebook.com/Franklin-County-Supervisor-of-Elections-1507438126238261/?rf=154464117922139	
Gadsden	https://www.gadsdenoe.com/	No social media accounts	
Gilchrist	https://www.votegilchrist.com/	https://www.facebook.com/GilchristCountySupervisorOfElections	
Gulf	https://www.votegulf.com/		https://twitter.com/VoteGulf
Hamilton	https://www.hamiltonvotes.com/	https://www.facebook.com/hamiltonvotes/	
Hernando	https://www.hernandovotes.com/	https://www.facebook.com/HernandoVotes	https://twitter.com/hernandovotes
Hillsborough	https://www.votehillsborough.org/	https://www.facebook.com/HillsboroughSOE	https://twitter.com/HillsboroughSOE
Holmes	https://www.holmeselections.com/	https://www.facebook.com/Holmes-County-Supervisor-of-Elections-372813176120759/	
Jackson	https://www.jacksoncountysoe.org/	https://www.facebook.com/JacksonCountyFLSOE/	
Jefferson	https://www.jeffersonvotes.com/	No social media accounts	
Lafayette	https://www.lafayettevotes.net/	https://www.facebook.com/lafayettevotes	
Leon	https://www.leonvotes.org/	https://www.facebook.com/LeonVotes	https://twitter.com/leonvotes
Levy	https://www.votelevy.com/	https://www.facebook.com/LevyElections/	https://twitter.com/LevyElections
Liberty	https://www.libertyelections.com/	https://www.facebook.com/Liberty-County-Supervisor-of-Elections-1560599347502895/	
Madison	https://www.votemadison.com/	https://www.facebook.com/Madison-County-Supervisor-of-Elections-403362029692301/	
Manatee	https://www.votemanatee.com/	https://www.facebook.com/Manatee-County-Supervisor-Of-Elections-549425778407737/	
Okaloosa	https://www.govote-okaloosa.com/	https://www.facebook.com/OkaloosaCountySupervisorofElections	
Pasco	https://www.pascovotes.com/	https://www.facebook.com/PascoElections	https://twitter.com/votepasco
Pinellas	https://www.votepinellas.com/	https://www.facebook.com/PinellasCountySOE/	https://twitter.com/votepinellas
Santa Rosa	https://www.votesantarosa.com/	https://www.facebook.com/santarosaSOE	https://twitter.com/SRC SOE
Suwannee	https://www.suwanneevotes.com/	https://www.facebook.com/SuwanneeSOE	
Taylor	https://www.taylorelections.com/	https://www.facebook.com/Taylor-County-Supervisor-of-Elections-286964031389536/	
Union	https://www.unionflvotes.com/	No social media accounts	
Wakulla	https://www.wakullaelection.com/	https://www.facebook.com/WakullaCountySOE/	
Walton	https://www.votewalton.com/	https://www.facebook.com/VoteWalton	
Washington	https://www.wcsoe.org/	No Social Media Accounts	

EXHIBIT D-1

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

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

CASE NO. 4:18cv463-RH-CAS

KEN DETZNER, Secretary of State,

Defendant.

_____ /

**ORDER CONDITIONALLY DENYING
A TEMPORARY RESTRAINING ORDER**

Under Florida Statutes § 97.055, the deadline to register to vote in the November 6, 2018 election is October 9, 2018. At that date, Hurricane Michael was approaching the Florida gulf coast. A mandatory evacuation was underway in some locations. The Florida Secretary of State issued a directive to all Florida supervisors of elections setting out terms on which they are “authorized” to extend the deadline.

The Florida Democratic Party filed this action against the Secretary asserting that the directive does not go far enough. The Party has moved for a temporary restraining order.

The directive authorizes an extension only for residents of counties in which the office of the supervisor of elections was closed on October 9. The extension is available for “paper voter registration applications”—that is, paper registrations delivered to a supervisor’s office other than by mail. The extension does not affect registration by mail—a mailed registration still must be received by October 9 or bear a clear postmark of October 9 or earlier. And the extension is not available for registration online—the deadline for online registration has passed.

The Party has asked for a statewide extension of one week for all forms of registration. But there is no justification for this. Some parts of the state were affected little by the hurricane. Extending the deadline in those parts of the state would not level the playing field or provide a remedy for the hurricane’s effects. Large numbers of voters register shortly before the deadline, but that happens routinely, with or without a hurricane. A state could set a later deadline or no deadline at all, but that is not the course Florida has chosen. The Party does not challenge in this lawsuit the state’s decision to set a deadline 29 days before an election.

As a prerequisite to a temporary restraining order or preliminary injunction, a plaintiff must establish a substantial likelihood of success on the merits, that the plaintiff will suffer irreparable injury if the injunction does not issue, that the threatened injury outweighs whatever damage the proposed injunction may cause a defendant, and that the injunction will not be adverse to the public interest. *See, e.g., Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

The Party has not met these requirements so long as the directive is properly understood in three respects.

First, properly understood, the directive is mandatory. Although the directive says it “authorizes” a supervisor of elections to extend the deadline, the Secretary is the state official with authority to mandate the extension. There is no reason to believe at this time that any supervisor will fail to follow the directive.

Second, properly understood, the directive applies to any county in which any supervisor’s office that would ordinarily be open was instead closed for any part of the normal operating hours of October 9. A county that had one or more offices open but one or more other offices closed must provide the extension. And for this purpose, an office counts as closed if it was open for part of the day but closed for part.

Third, properly understood, the directive extends the deadline to the first *full* business day on which all a supervisor's offices were open. Opening only some offices or opening for part of a day, or opening for limited hours on a weekend or holiday on which the office would not ordinarily be open, does not count.

Nothing in the directive suggests the Secretary intended anything contrary to these understandings. If the Secretary asserts these understandings are not correct, or if a supervisor fails to heed the Secretary's directive as properly understood, the Party of course may renew its motion for a temporary restraining order.

SO ORDERED on October 10, 2018.

s/Robert L. Hinkle
United States District Judge

EXHIBIT E-1

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

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

v.

CASE NO. 4:18cv463-RH-CAS

KEN DETZNER, Secretary of State,

Defendant.

NEW FLORIDA MAJORITY
EDUCATION FUND, COMMON CAUSE
and MI FAMILIA VOTA EDUCATION
FUND,

Plaintiffs,

v.

CASE NO. 4:18cv466-RH/CAS

KEN DETZNER, in his official
capacity as Secretary of State of the
State of Florida,

Defendant.

SECOND ORDER DENYING A PRELIMINARY INJUNCTION

The motion for a preliminary injunction filed by the plaintiffs in No. 4:18cv466, ECF No. 3 in that case, is denied for the reasons and subject to the limitations set out in the order conditionally denying a temporary restraining order or preliminary injunction in No. 4:18cv463, ECF No. 10 in that case.

SO ORDERED on October 16, 2018.

s/Robert L. Hinkle
United States District Judge