

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

NANCY CAROLA JACOBSON,  
TERENCE FLEMING, SUSAN  
BOTTCHER, PRIORITIES USA, DNC  
SERVICES CORPORATION /  
DEMOCRATIC NATIONAL  
COMMITTEE, DSCC a/k/a  
DEMOCRATIC SENATORIAL  
CAMPAIGN COMMITTEE, DCCC a/k/a  
DEMOCRATIC CONGRESSIONAL  
CAMPAIGN COMMITTEE,  
DEMOCRATIC GOVERNORS  
ASSOCIATION, and DEMOCRATIC  
LEGISLATIVE CAMPAIGN  
COMMITTEE,

Plaintiffs,

v.

KENNETH W. DETZNER, in his official  
capacity as the Florida Secretary of State,

Defendant.

Case No. 4:18-cv-00262  
(MW/CAS)

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs NANCY CAROLA JACOBSON, TERENCE FLEMING, SUSAN BOTTCHER, PRIORITIES USA, DNC SERVICES CORPORATION/DEMOCRATIC NATIONAL COMMITTEE, DSCC a/k/a DEMOCRATIC SENATORIAL CAMPAIGN COMMITTEE, DCCC a/k/a DEMOCRATIC CONGRESSIONAL CAMPAIGN COMMITTEE, DEMOCRATIC GOVERNORS ASSOCIATION, and the DEMOCRATIC LEGISLATIVE CAMPAIGN COMMITTEE (collectively, "Plaintiffs"), for the reasons set forth in the memorandum of law filed concurrently with this motion, and as supported by the materials submitted

therewith, respectfully move for an Order:

- (1) Preliminarily enjoining Defendant Florida Secretary of State Kenneth W. Detzner (the “Secretary”) from implementing or enforcing Fla. Stat. § 101.151(3)(a) (the “Ballot Order Statute”), which mandates that the political party of the last-elected Governor be listed first on all general election ballots for all races throughout Florida; and
- (2) Requiring the Secretary to issue a directive to the supervisors of elections, who are similarly bound by the Court’s Order pursuant to Federal Rule of Civil Procedure 65(d)(2), attaching the Court’s Order and advising them that: (a) administration of the Ballot Order Statute is unconstitutional; and (b) in light of the Court’s Order, in preparing ballots for the November 6, 2018 election, supervisors must rotate the ordering of major political party candidates<sup>1</sup> by precinct, so that the candidates of each major political party are listed first in all races for which they have a candidate on an approximately equal number of ballots throughout the supervisor’s county.

**LOCAL RULE 7.1(B) CERTIFICATION**

Counsel for Plaintiffs, Frederick S. Wermuth, Esquire, certifies that he conferred with counsel for Defendant, Mohammed Jazil, in a good faith effort to

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<sup>1</sup> Plaintiffs use the term “major political party” to describe the Democratic and Republican Parties, as the Secretary does. *See* Political Party Information, FLA. SEC’Y OF STATE, <http://dos.myflorida.com/elections/candidates-committees/political-parties/> (describing Democratic Party and Republican Party as “major political parties”).

resolve the issue set forth herein on June 27th, 2018, and was advised that Defendant will oppose this motion.

**LOCAL RULE 7.1(F) CERTIFICATION**

Counsel for Plaintiffs, Fritz Wermuth, Esquire, certifies that this motion contains 272 words.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on June 29, 2018, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Dated: June 29, 2018

By: /s/ Frederick S. Wermuth  
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