

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE 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 DETZNER, in his official  
capacity as the Florida Secretary of State,

Defendant.

Case No. 1:18-cv-00095-MW-GRJ

**PLAINTIFFS' RULE 5.1 NOTICE OF CONSTITUTIONAL QUESTION**

Plaintiffs, Nancy Carola Jacobson, Terrence (“Terry”) Fleming, Susan Bottcher, Priorities USA Action, Democratic National Committee, Democratic Senatorial Campaign Committee, Democratic Congressional Campaign Committee, Democratic Legislative Campaign Committee and Democratic Governors Association, pursuant to Federal Rule of Civil Procedure 5.1 and Local

Rule 24.1, hereby file this notice of constitutional question, as to point out that Plaintiffs' Complaint (Doc. 1) raises the following constitutional questions:

Whether Section 101.151(3)(a), Florida Statutes, (the "Ballot Order Statute") violates the First Amendment and Equal Protection Clause of the Fourteenth Amendment of the United States Constitution by, *inter alia*, favoring political parties whose candidate won the last gubernatorial election by placing that party's candidates first on all general election ballots for all partisan elections.

Whether the Ballot Order Statute violates the Equal Protection Clause of the United States Constitution by treating one major political party – and its candidates and the voters and organizations who support it – differently from other similarly situated major parties and their candidates and supporters, by giving one a consistent, unfair and arbitrary electoral advantage.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on May 24, 2018 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

Respectfully submitted,

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*and Democratic Legislative  
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*\*Motions for Pro Hac Vice  
Forthcoming*