

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

KEVIN LEON JONES, et al.,

Petitioners,

vs.

Consolidated Case No.: 4:19-cv-0300

RON DESANTIS, in his official capacity
as the Governor of Florida, an Indispensable
Party, et al,

Respondents

**DEFENDANT MARK EARLEY’S RESPONSE TO PLAINTIFF’S MOTION
FOR PRELIMINARY INJUNCTION OR, IN THE ALTERNATIVE, FOR
FURTHER RELIEF**

Defendant Mark Earley, in his official capacity as Supervisor of Elections for Leon County (“SOE Earley”), files this response to Plaintiffs’ Motion for Preliminary Injunction or, in the Alternative, for Further Relief (Doc. 108), and accompanying Memorandum of Law (Doc. 98-1).

There is no need for preliminary injunctive relief against SOE Earley. Plaintiffs’ motion seeks to enjoin the Defendants from enforcing portions of SB 7066, but it also highlights that the State Legislature enacted the law requiring payment of financial obligations. (Doc. 108, ¶ 2) Plaintiffs seek a declaration that

the law is unconstitutional on its face. SOE Earley takes no position as to whether the challenged portions of SB 7066 are constitutional.

SOE Earley is responsible for, among other things, updating voter registration information, entering new voter registrations into the statewide voter registration system, and acting as the official custodian of documents received by the Leon County Supervisor related to the registration of electors and changes in voter registration status of electors in Leon County. § 98.015, Fla. Stat. (2018). SOE Early is performs administrative or ministerial functions as required by state law, by administrative rules, or by legal action or directive of the Secretary of State. §97.012(14) and (16), Fla. Stat.¹

¹ Section 97.012(14) and (16), Florida Statutes, provides:

97.012 Secretary of State as chief election officer. — The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

(14) Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97 through 102 and 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.

(a) Venue for such actions shall be in the Circuit Court of Leon County.

(b) When the secretary files an action under this section and not more than 60 days remain before an election as defined in s. 97.021, or during the time period after the election and before certification of

Accordingly, this Court should deny Plaintiffs' Motion for Preliminary Injunction as to SOE Earley.

Respectfully submitted this 6th day of September, 2019.

s/ Mark Herron
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the election pursuant to s. 102.112 or s. 102.121, the court, including an appellate court, shall set an immediate hearing, giving the case priority over other pending cases.

(c) Prior to filing an action to enforce performance of the duties of the supervisor of elections or any official described in this subsection, the secretary or his or her designee first must confer, or must make a good faith attempt to confer, with the supervisor of elections or the official to ensure compliance with chapters 97 through 102 and 105 or the rules of the Department of State adopted under any of those chapters.

(16) Provide written direction and opinions to the supervisors of elections on the performance of their official duties with respect to the Florida Election Code or rules adopted by the Department of State.

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 5.1

I hereby certify that this Response complies with the size, font, and formatting requirements of N.D. Fla. Local Rule 5.1(C).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy was electronically filed using the Case Management/Electronic Case Filing (“CM/ECF”) system on September 6, 2019, which will send a Notice of Electronic Filing to all counsel of record for the parties who have appeared in this proceeding.

s/ Mark Herron
Mark Herron