

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

KELVIN JONES,

Plaintiffs,

v.

RON DESANTIS, in his official capacity as Governor of the State of Florida, et al.,

CONSOLIDATED
Case No.: 4:19-cv-00300-RH/MJF
(Lead Case)

Defendants.

**CHRISTINA WHITE RESPONSE IN OPPOSITION TO
MOTION FOR PRELIMINARY INJUNCTION OR, IN THE
ALTERNATIVE, FOR FURTHER RELIEF**

Plaintiffs seek a preliminary injunction targeted at the felon voter registration provisions of Senate Bill 7066 (2019) (“SB 2019”) because, according to Plaintiffs, they “will face the risk that their newly restored voting rights will be revoked and that they will be unable to register or will be removed from the registration rolls.” Plaintiffs’ Memorandum in of Law in Support of Motion for Preliminary Injunction or, in the alternative, for Further Relief (ECF No. 98-1) (“Memorandum”) at 11. In seeking this relief, Plaintiffs fear, among other things, that “[i]f not enjoined, SB7066 will wreak havoc on election administration [and] apply unequally to similarly situated voters.” *Id.*

Even though Plaintiffs’ fear unequal treatment of state voters,

Plaintiffs' inexplicably seek this relief against only ten of Florida's sixty-seven Supervisors of Elections along with the Governor and Secretary of State of the State of Florida. Such relief against a small subset of Supervisors of Election is both unnecessary and counter-productive. Under Florida law, the Secretary of State is uniquely obligated to "[o]btain and maintain uniformity in the interpretation and implementation of the election laws ... [and] may ... adopt by rule uniform standards for the proper and equitable interpretation and implementation of the requirements of chapters 97 through 102 and 105 of the Election Code." § 97.012 (1), Fla. Stat. (2019).

The Secretary of State's obligation extends to providing "uniform standards for the proper and equitable administration of the registration laws" and ensuring "that all registration applications and forms prescribed by or approved by the departments are in compliance with the Voting Rights Act of 1965 and the National Voter Registration Act of 1993." §§ 97.012 (2) and (9), Fla. Stat. (2019). If an individual Supervisor of Election fails to comply with the Secretary of States directives on voter registration the Secretary of State may "[b]ring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties ... or to enforce compliance with a rule of the Department of State adopted to

interpret or implement any of [Florida’s Election Laws].” § 97.012 (14), Fla. Stat. (2019).

As Florida law directs Supervisors of Elections to defer to the Secretary of State on “the proper and equitable interpretation and implementation” of Florida’s Election Laws, Defendant Christina White, Supervisor of Elections of Miami-Dade County, adopts any response filed by the Secretary of State in response to the Motion as if stated fully herein.

Moreover, as Florida Law requires that all Supervisors of Elections comply with directives from the Secretary of State and Plaintiffs seek injunctive relief to apply equally to all Florida voters, such injunctive relief, should it be granted, should apply solely to the Secretary of State, rather than ten of sixty-seven Supervisors of Elections. Only by centralizing any potential relief with the Secretary of State can Plaintiffs and the State of Florida obtain the equal and uniform voter registration processes that Plaintiffs seek.

In fact, this court has previously handled preliminary injunctions in elections matters in the exact fashion requested by this response (i.e. only ordering relief against the Secretary of State). For example, in *Madera v. Detzner*, 325 F. Supp. 3d 1269 (N.D. Fla. 2018), plaintiffs challenged the practice in 32 Florida counties of conducting English-only elections. There,

the court did not order injunctive relief against each of the 32 counties (or, as Plaintiffs in this matter would seek, against only a subset of those counties). Instead, it relied upon the Secretary of State's responsibility under Fla. Stat. § 97.012(16) to "provide written direction ... to the supervisors of elections on the performance of their official duties with respect to ... rules adopted by the Department of State" and ordered injunctive relief against one entity—the Secretary of State—to obtain compliance among all 32 counties. *See also Florida Democratic Party v. Detzner*, Case No. 4:16CV607-MW/CAS, 2016 WL 6090943 (N.D. Fla. Oct. 16, 2016) (ordering Secretary of State to issue a directive to supervisors of elections because "Florida law therefore vests [the Secretary of State] with the authority to 'adopt by rule uniform standards' for the 'interpretation and implementation of' the Florida Election Code").

Accordingly, and as required by Florida Law, Defendant Christina White respectfully adopts the position of the Secretary of State in response to the Motion and requests that this Court limit any injunctive relief granted, to the extent warranted, to the Secretary of State as the centralized mechanism for achieving uniformity in the implementation of Florida's Election Laws.

Pursuant to N.D. Fla. Loc. R. 7.1(F), this response contains fewer than 8,000 words. It contains 766 words.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served to all counsel of record through the Court's CM/ECF system on this 6th day of September, 2019.

s/ Oren Rosenthal _____
Oren Rosenthal
Assistant County Attorney