

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

FLORIDA STATE CONFERENCE OF
BRANCHES AND YOUTH UNITS OF
THE NAACP; VOTERS OF TOMORROW
ACTION, INC.; DISABILITY RIGHTS
FLORIDA; ALIANZA FOR PROGRESS;
ALIANZA CENTER; UNIDOSUS;
FLORIDA ALLIANCE FOR RETIRED
AMERICANS; SANTIAGO MAYER
ARTASANCHEZ; and ESPERANZA
SÁNCHEZ,

Plaintiffs,

v.

CORD BYRD, in his official capacity as
Secretary of State of Florida, et al.,

Defendants.

Case No. 4:23-cv-00215-MW-MAF

NAACP PLAINTIFFS' SUPPLEMENTAL BRIEFING
IN SUPPORT OF CONSOLIDATION

Undersigned Plaintiffs (collectively, the “NAACP Plaintiffs”) pursuant to this Court’s Order Setting Deadlines, ECF No. 98, respectfully request that this Court consolidate for trial *Florida Conference of the NAACP et al. v. Byrd, et al.*, No.: 4:23-cv-00215 (N.D. Fla.), *Hispanic Federation, et al. v. Byrd, et al.*, No.: 4:23-cv-00218, and *League of Women Voters of Florida, et al. v. Byrd, et al.*, No.: 4:23-cv-00216 (N.D. Fla.), under the lowest numbered case, *Florida Conference of the*

NAACP et al. v. Byrd, et al., No.: 4:23-cv-00215, and in support state:

1. All three of the cases cited above challenge Florida Senate Bill 7050 (2023) (“SB 7050”) and have overlapping issues of law and fact. For example, Plaintiffs in each case challenge one or more of SB 7050’s provisions: (1) restricting who may “collect” and “handle” voter registration applications; (2) restricting third-party voter registration organizations (“3PVRPOs”) from collecting and retaining certain voter information; and (3) substantially raising the fines imposed for failure to comply with the laws governing 3PVRPOs.

2. All three cases were consolidated for preliminary injunction purposes only, ECF No. 86, and this Court entered two orders granting in part and denying in part the motions for preliminary injunction.

3. This Court also ordered the Parties to confer and submit their positions on consolidation within 21 days of its orders on Plaintiffs’ preliminary injunction motions. Because the NAACP Plaintiffs believe the most efficient path forward is to consolidate these actions for discovery through trial (while permitting each party to serve their own discovery and file and respond to dispositive motions separately) they submit this briefing in support of consolidation.

MEMORANDUM IN SUPPORT

This Court has discretion to consolidate actions that involve “common question[s] of law and fact.” Fed. R. Civ. P. 42(a). Each of these actions challenges

several provisions of SB 7050 on either constitutional or statutory grounds or both. *Compare* First Am. Compl., *Florida Conference of the NAACP et al. v. Byrd, et al.*, No.: 4:23-cv-00215 (N.D. Fla.) (ECF No. 52), (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S. Constitution, 42 U.S.C. § 1981, and section 208 of the Voting Rights Act), *with* Compl., *Hispanic Federation, et al. v. Byrd, et al.* (ECF No. 1) (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S. Constitution and 42 U.S.C. § 1981); *and* Compl., *League of Women Voters of Florida et al. v. Byrd, et al.* (ECF No. 1) (challenging provisions of SB 7050 under the First and Fourteenth Amendments to the U.S. Constitution). The state-level Defendants involved in all three cases are the same, with Secretary Byrd and Attorney General Moody being named as Defendants in all three cases (the NAACP Plaintiffs have also sued Florida’s 67 Supervisors of Elections). Common questions of law and fact permeate all three actions, and consolidation would therefore further judicial economy.

LOCAL RULE 7.1(B) CERTIFICATION

The NAACP Plaintiffs’ counsel has conferred with respective counsel for the Secretary, Attorney General, and the Hispanic Federation and League Plaintiffs, as part of the Rule 26(f) Conference. Counsel for the Hispanic Federation and League Plaintiffs expressed agreement to seek consolidation. Counsel for the Secretary and Attorney General confirm that they “take no position on consolidation and have

noted our [their] concerns with consolidation in the Rule 26(f) report.”

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel, Frederick Wermuth, certifies that this motion contains 485 words, excluding the case style and certifications.

Dated: July 24, 2023

Respectfully submitted,

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*Americans, Santiago Mayer
Artasanchez, and Esperanza Sánchez*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 24th day of July 2023, 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.

/s/ Frederick S. Wermuth

Frederick S. Wermuth

Florida Bar No. 0184111