

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF FLORIDA  
GAINESVILLE DIVISION**

DREAM DEFENDERS, et al.,

*Plaintiffs,*

v.

RON DESANTIS, et al.,

*Defendants.*

Case No. 1:20-cv-67-RH- GRJ

Judge Robert L. Hinkle

KIRK NIELSEN, et al.,

*Plaintiffs,*

v.

RON DESANTIS, et al.,

*Defendants.*

Case No. 4:20-cv-236-RH-MJF

Judge Robert L. Hinkle

**PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs hereby move for preliminary injunctive relief on their claims that Florida's vote-by-mail, in-person voting, and voter registration processes violate the First and Fourteenth Amendment of the U.S Constitution; Section 2 of the

Voting Rights Act; Title II of the Americans with Disabilities Act; Section 504 of the Rehabilitation Act; the Due Process Clause of the Fourteenth Amendment.

In support of this motion, Plaintiffs rely on (i) their Memorandum in Support; (ii) Expert Reports of Daniel A. Smith and J. Morgan Kousser; and (iii) Declarations of Robert Woods, Andrea Mercado, Rachel Gilmer, Heather Wilkie, Acacia Williams, Bianca Baez, Sheila Young, John Jordan, Marsha Bukala, Murray Heller, Zetta Williams, Alice Wujciak, Celcio Romero, Paulina Hernandez, Nicholas Ciriello, Robin Will, and Kathryn Sadasivan.

Plaintiffs respectfully request the court to order the following relief, to be implemented in time to be effective for the August 28, 2020 primary election and to continue through the November 3, 2020 general election:

- a) The Secretary and SOEs shall accept ballots postmarked by election day and received within 10 days thereafter;
- b) The Secretary and the SOEs shall send vote by mail ballot applications to all voters in the State of Florida;
- c) The Secretary and SOEs shall allow voters to request alternative-address ballots by phone or online provided the voter provides adequate verification of identity;

- d) The SOEs and canvassing boards are enjoined from imposing any rules or ordinances altering the uniform vote by mail and emergency ballot procedures set by the Secretary of State;
- e) The Secretary and SOEs shall extend early voting opportunities to include 30 days total of early voting, with voting locations distributed within the county to ensure that voters of color have equally convenient and safe access to early voting;
- f) The Secretary and SOEs shall notify voters of deficiencies by mail and telephone, email or text-message;
- g) The Secretary, the SOEs and canvassing boards shall accept cure affidavits that are received within fifteen days after the election;
- h) The Secretary, the SOEs and canvassing boards shall accept cure affidavits without identification when the deficiency consists of missing information on the voter's certificate, and the cure affidavit is sufficient to verify the voter's identity;
- i) The Elections Canvassing Commission shall extend the deadline for counties to submit election results to no earlier than fifteen days after the election;

Plaintiffs respectfully request the court to order the following additional relief, to be implemented in time to be effective for the November, 2020 general election:

- a) The Secretary of State (or, as appropriate, the SOEs) shall prepay postage for voter registration forms, VBM requests, VBM ballot returns, and cure affidavits;
- b) Restrictions on third-party ballot collection shall be enjoined;
- c) The SOEs shall add drop-boxes at all early voting sites during the entire early voting period and at all polling places on election day;
- d) The Secretary, the SOEs and canvassing boards shall provide clear and unambiguous instructions explaining which identification is necessary to cure each ballot deficiency;
- e) The Secretary, SOEs and canvassing boards shall add instructions, in English and Spanish, to VBM request forms and websites, explaining that contact information will be used for notification of deficiencies;
- f) The Secretary shall allow all voters whose identities can be verified to register using online voter registration;
- g) The Secretary shall provide voters with contemporaneous notice of errors made during online voter registration;
- h) The Secretary and SOEs shall extend supervised voting to facilities in which individuals at high risk from COVID-19 reside; and

- i) The Secretary shall certify and approve, and the SOEs shall implement, an accessible electronic ballot delivery system for visually impaired voters.

Respectfully submitted,

Dated: May 27, 2020

s/ Stuart C. Naifeh

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