

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
TALLAHASSEE DIVISION

BILL NELSON FOR U.S. SENATE,

*Plaintiff,*

v.

Case No. 4:18cv536-MW/MJF

KEN DETZNER, in his official  
capacity as Secretary of State,  
PALM BEACH CANVASSING BOARD,  
and SUSAN M. BUCHER, in her  
official capacity as Palm Beach  
County Supervisor of Elections,

*Defendants.*

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**ORDER DIRECTING PARTIES TO CLARIFY**

Defendants removed this matter from state court this morning. ECF No.

1. This Court has reviewed the papers in this case and now seeks clarification from the parties.

The heart of Plaintiff's emergency motion for injunctive and declaratory relief appears to be Defendant Bucher's Wednesday, November 14 statement that Palm Beach County would be unable to meet the statutory deadline for a machine recount and would then "cease the machine recount entirely." ECF No. 1, at 8; *see also id.* at 19 (statement of Imran Siddiqui "personally observ[ing] Susan Bucher announce that she was closing down the canvassing room, thereby ceasing the machine recounting process entirely").

At a hearing on Thursday, November 15 in another election dispute, however, Defendant Bucher testified that the machine recount would be completed within three to five hours after the hearing. The hearing began at approximately 5:00 p.m. EST on November 15. *See* Transcript of Evidentiary Hearing at 30:08-30:13, *Bonfiglio v. Detzner* (No. 4:18-cv-527-MW/CAS) (“Q. Ms. Bucher, this is Uzoma Nkwonta on behalf of Intervenor Bill Nelson for U.S. Senate and DSCC. Can you clarify precisely how long the machine recount, or whatever is left of the machine recount for the U.S. Senate race, will take? **A. I can estimate to say three to five hours.**”).

If there remains a live issue, this Court will immediately set this matter for an evidentiary hearing. This will include getting Supervisor Bucher back on the phone. At this point in time, however, this Court has no reason to believe the machine recount was prematurely stopped.

Accordingly, the parties shall file briefs no later than 4:00 p.m. on November 16, 2018 to clarify whether there is a live issue in this matter.

**SO ORDERED on November 16, 2018.**

**s/Mark E. Walker**  
**Chief United States District Judge**