

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

BILL NELSON FOR U.S. SENATE,

Plaintiff,

v.

Case No.: 4:18-cv-536-MW-MJF

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

Defendant.

**SECRETARY’S RESPONSE TO
ORDER DIRECTING PARTIES TO CLARIFY**

Consistent with this Court’s Order Directing Parties to Clarify, DE 12, Defendant, the Florida Secretary of State Detzner, takes the position that there is no live controversy in this matter.

On November 15, 2018, this Court held an evidentiary hearing in *Bonfiglio v. Detzner*, 4:18-cv-527-MW/CAS. (“*Bonfiglio*”). There, the plaintiffs requested an order from this Court extending the deadlines for completing the machine and manual recounts in Palm Beach County. DE 53, at 2, *Bonfiglio*. “During the hearing, Defendant Palm Beach County Supervisor [of Elections] Susan Bucher

testified with confidence that both the machine and manual recounts for the U.S. Senate race would be completed sometime on November 16, 2018.” DE 53 at 6, *Bonfiglio*. This Court then entered an Order stating: “[T]his Court will not rewrite the Florida Election Code. The plain language of the relevant Florida statutes says what it says—good or bad. This Court cannot engraft an extension on statutes drafted and passed by the Florida legislature.” DE 53, at 5-6, *Bonfiglio*.

Based on Supervisor Bucher’s testimony in *Bonfiglio* that the recount in the Senate race will be completed, and based on this Court’s previous ruling that the recount deadlines cannot be extended, the Secretary believes there is no live controversy in this matter.

Respectfully submitted by:

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Dated: November 16, 2018

Counsel for the Secretary of State

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served through the Court's CM/ECF system to all counsel of record this 16th day of November, 2018:

/s/ Mohammad O. Jazil

Attorney