

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

VOTEVETS ACTION FUND;
DEMOCRATIC NATIONAL
COMMITTEE; and DSCC,

Plaintiffs,

v.

KENNETH W. DETZNER, in his
official capacity as the Florida Secretary
of State,

Defendants.

Case No. 4:18-cv-00524

**DECLARATION OF KIRK NIELSEN IN SUPPORT OF
PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Kirk Nielsen, declares as follows:

1. I am at least 18 years of age and have personal knowledge of the below facts, which are true and accurate to the best of my knowledge.
2. I am a freelance journalist and an adjunct lecturer in the English Department at the University of Miami.
3. I am currently a resident of, and registered voter in, Miami-Dade, Florida. I have been a registered voter in, and resident of, Florida for around twenty-three years.

4. In at least five previous elections I have requested absentee or vote by mail ballots. In 2004 I requested an absentee ballot as part of research for an article I was writing on the absentee voting process, so I am very familiar with that process. As part of that research I tracked my ballot's receipt at my voting precinct and saw that it had been tallied in the voter rolls.

5. For the November 6, 2018 election, I voted by sending my vote by mail ballot via first class mail on October 29, 2018—eight days before the election—from a post office at the University of Miami's Coral Gables campus. I recall that I mailed my ballot on Monday, October 29th because I had previously attempted to mail my ballot from my home on Saturday, October 27th, but my postman declined to take the ballot and told my wife it was because I had not signed the envelope. Knowing the election was nearing, I made a point of mailing my signed ballot the next workday, Monday, October 29th, from the post office at my place of work.

6. On Election Day I logged onto the Miami-Dade County Elections website to check whether my vote by mail ballot had been received and counted. I saw that it had not yet been marked as received. I considered going to my polling place to cast a provisional ballot in person, but recalled from a previous election, in which my absentee ballot was counted, that on election day the County Elections website did not reflect that fact. So I assumed that was the case for the November 6, 2018 election, as well, and

that my ballot had been received but that was not yet reflected on the website.

7. The day after the election I again checked the Miami-Dade County Elections website to see whether my ballot had been received. It still had not been marked as received.

8. Two days after the election I phoned the Miami-Dade Elections Office and spoke to a clerk who informed me that my ballot had not yet been received, and therefore could not be counted in this election.

9. Voting is [[very important]] of paramount importance to me, and despite taking all the necessary steps to make sure my vote by mail ballot would be counted—including mailing it from a Miami post office to the nearby Miami-Dade Supervisor of Elections eight days prior to the election—I have been denied the opportunity to vote November 6, 2018 election. I feel as though my rights have been infringed and I have been disenfranchised.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

DATED: 11/13/2018

BY: 
Kirk Nielsen