

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

DEMOCRATIC EXECUTIVE
COMMITTEE OF FORIDA, and
BIL NELSON FOR U.S. SENATE,

Plaintiffs,

v.

CASE NO. 4:18cv520-RH/MJF

KEN DETZNER, in is official capacity
as Florida Secretary of State,

Defendant.

_____ /

SCHEDULING ORDER

Florida allows a registered voter to cast a ballot by mail but allows a county supervisor of elections to reject any ballot submitted with a signature deemed not to match the voter's signature on file. A federal injunction and now a state statute provide a limited right to cure a rejection.

The plaintiffs challenge Florida's process for dealing with allegedly mismatched signatures. The plaintiffs have moved for a temporary restraining order or preliminary injunction.

As a prerequisite to a temporary restraining order or preliminary injunction, a plaintiff must establish a substantial likelihood of success on the merits, that the plaintiff will suffer irreparable injury if the injunction does not issue, that the threatened injury outweighs whatever damage the proposed injunction may cause a defendant, and that the injunction will not be adverse to the public interest. *See, e.g., Charles H. Wesley Educ. Found., Inc. v. Cox*, 408 F.3d 1349, 1354 (11th Cir. 2005); *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000) (en banc).

The deadline for county canvassing boards to submit to the Department of State unofficial results of the November 6, 2018 election is noon on Saturday, November 10, 2018. The plaintiffs assert that, if a preliminary injunction is not entered by that time, votes by mail will be unconstitutionally rejected. But if there has been a constitutional violation—a proposition the defendant and intervenors do not accept—the ability to remedy the violation will not end on November 10. The plaintiffs will suffer no irreparable harm before their motion can be addressed on the schedule established by this order.

As set out on the record of the scheduling conference on November 9, 2018,

IT IS ORDERED:

1. The National Republican Senatorial Committee's motion for leave to intervene as a defendant, ECF No. 11, is granted.

2. The Attorney General of Florida's motion for leave to intervene as a defendant, ECF No. 15, is granted.

3. The defendants may file responses to the motion for a temporary restraining order or preliminary injunction by noon on Monday, November 12, 2018. That deadline will not roll over to the next day even though November 12 is a federal holiday.

4. A hearing on the motion for temporary restraining order or preliminary injunction is set for Wednesday, November 14, 2018, at 1:00 p.m.

SO ORDERED on November 9, 2018.

s/Robert L. Hinkle
United States District Judge