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**IN THE CIRCUIT COURT FOR THE SECOND JUDICIAL CIRCUIT**
**IN AND FOR LEON COUNTY, FLORIDA**

RENE ROMO, an individual, *et al.*,

Plaintiffs,

vs. Case No. 2012-CA-000412

KEN DETZNER, in his official capacity as Florida Secretary of State, and PAMELA JO BONDI, in her official capacity as Attorney General,

Defendants.
_____/

THE LEAGUE OF WOMEN VOTERS OF FLORIDA, INC., *et al.*,

Plaintiffs,

vs. Case No. 2012-CA-000490

KEN DETZNER, in his official capacity as Florida Secretary of State, *et al.*,

Defendants.
_____/

**THE LEGISLATIVE PARTIES' MOTION TO ALTER OR AMEND**
**THE JUDGMENT AND REQUEST FOR EMERGENCY CONSIDERATION**

Pursuant to Florida Rule of Civil Procedure 1.530(g), Defendants, Will Weatherford, in his official capacity as Speaker of the Florida House of Representatives; Don Gaetz, in his official capacity as President of the Florida Senate; the Florida House of Representatives; and the Florida Senate (collectively, the "Legislative Parties"), respectfully move the Court to alter or amend its Final Judgment, dated July 10, 2014 (the "Judgment").

It is imperative that the Court address the immediate, practical consequences of its Judgment. To prevent turmoil and confusion in the election process, the Court should, in the public interest, alter or amend its Judgment to specify that the 2014 elections may proceed under the congressional districts established by Chapter 2012-2, Laws of Florida (the "Enacted Plan"). If necessary, the Court should hold an evidentiary hearing concerning election processes and deadlines.[1]

## INTRODUCTION

On July 10, 2014, this Court invalidated two congressional districts and rejected challenges to eight others. The invalidity of two districts renders the entire Enacted Plan invalid. Once the Judgment becomes final, the State of Florida will have no congressional districts.

The Legislature will enact a remedial plan consistent with this Court's Judgment. In fact, under the circumstances of this case, the Legislature alone is constitutionally authorized to adopt a remedial plan, and courts in every case afford legislatures an opportunity to remedy invalid districts. *See infra* note 9. The Legislature will fulfill its constitutional responsibilities.

But even if a remedial plan were enacted today, it would be too late to implement the new districts at the approaching elections. The election process is in full swing. Candidates have collected petitions and qualified for the ballot. Campaigns have been conducted. Ballots have been printed. Last week, in compliance with federal law, absentee ballots were mailed to

[1] Defendants objected to Plaintiffs' two final requests for continuances of the trial on the ground that the timing of a judgment would interfere with the 2014 elections. Plaintiffs themselves recognized that the timing of a judgment might determine the availability of relief, but chose to press ahead with discovery: "And maybe it would affect the 2014 election, and maybe not; I don't know the answer to that. But it's all speculation at this point . . . ." Exh. A at 15:12-16. This Court deferred consideration of the effect of a judgment on the 2014 election, explaining that the Court would "cross that bridge when we got to it." *Id.* at 13:12-20.

thousands of absent uniformed services and overseas voters. The selection of polling places and recruitment of poll workers is well underway. The primary election will be held next month.

Courts across the country have recognized that interruptions in the election process do not promote the public interest. It is well accepted that, when the State's election machinery is already in progress, a court may—and often should—withhold immediate relief.

The Court should alter or amend its Judgment before the intervention of a federal court becomes necessary. To ensure stability in the election process, the Court should specify that the 2014 elections will be held under the districts established by the Enacted Plan, and that members of Congress elected in 2014 will be duly elected officers and may fulfill their terms of office.

## ARGUMENT

In the press and the public, among election administrators and the parties to this case, the Court's Judgment has raised a critical question in need of immediate resolution: what effect does the Judgment have on the present election cycle? The only sensible and practical answer is that the imminent elections must be conducted under the Enacted Plan, despite its infirmities.

### I. THERE IS NO TIME TO IMPLEMENT NEW DISTRICTS FOR THE 2014 ELECTIONS.

Even if a remedial plan were in place today, there would be no time to implement the new districts at the 2014 elections. The primary election is next month, and the remainder of the election calendar is filled with carefully calibrated, mutually dependent deadlines that cannot be altered without irreparable damage to the election process. Many critical deadlines, such as the qualifying period, have passed. Realistically, no time remains to implement new districts.

Candidates who sought to qualify by the petition method were required to submit the requisite number of signatures of registered voters by March 31. § 99.095(3), Fla. Stat. (2013).[2] To be valid, signatures must be obtained from voters registered in the district in which the candidate seeks to qualify. *Id.* § 99.095(2)(a). The Supervisors of Elections then verified each signature and certified the number of valid signatures by April 21. *Id.* § 99.095(3). Candidates who did not qualify by petition were required to pay a fee of $10,440. *Id.* §§ 99.061, 99.092.

Candidates qualified between noon on April 28 and noon on May 2. *Id.* § 99.061(1). By May 9, the Department of State certified to the Supervisors of Elections the names of all duly qualified candidates. *Id.* § 99.061(6). The Supervisors designed and printed primary-election ballots and mailed absentee ballots to absent uniformed services and overseas voters by July 12, in accordance with both state and federal law, which require such ballots to be mailed at least 45 days before the primary election. 42 U.S.C. § 1973ff-1(a)(8); § 101.62(4)(a), Fla. Stat. (2013).

The Supervisors of Elections must make arrangements for early-voting sites and designate the hours and addresses of those locations no later than July 27. § 101.657(1)(b), Fla. Stat. (2013). By July 28, all individuals who wish to cast their ballots at the primary election must be registered to vote. *Id.* § 97.055(1)(a). By August 6, the Supervisors must appoint all of the poll workers that will staff the polling places at the primary election. *Id.* § 102.012(1)(a).

On August 11, the county canvassing boards may begin to canvass primary-election absentee ballots. *Id.* § 101.68(2)(a). On the same day, Supervisors may begin to conduct in-person early voting. *Id.* § 101.657(1)(d). Supervisors must mail sample ballots by August 19, *id.* § 101.20(2), and all absentee ballots by August 22, *id.* § 101.62(2). The primary election will be held on August 26, ten weeks before the November general election. *Id.* §§ 100.031, 100.061.

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[2] Because this case concerns only congressional districts, references to candidates and deadlines are references to candidates for Congress and the deadlines that apply to them.

The schedule that follows the primary election is even more rigorous and compressed. The canvassing boards must canvass all primary-election ballots. On September 2, the seventh day after the primary, the canvassing boards must file the county results with the Department of State. *Id.* § 102.112(2). Next, the Elections Canvassing Commission must meet by September 4 to certify the official results for each office. *Id.* § 102.111(1). Once the results are certified, the Supervisors must immediately design and print general-election ballots in every combination. Under both state and federal law, the last day to mail general-election absentee ballots to absent uniformed services and overseas voters is September 20—a mere sixteen days after the primary-election results are due to be certified. 42 U.S.C. § 1973ff-1(a)(8); § 101.62(4), Fla. Stat. (2013).

By October 5, Supervisors must designate the hours and addresses of all early-voting sites. § 101.657(1)(b), Fla. Stat. (2013). The deadline to register to vote at the general election is October 6—the twenty-ninth day before the general election. *Id.* § 97.055(1)(a). Supervisors must appoint all poll workers by October 15. *Id.* § 102.012(1)(a). On October 20, the county canvassing boards may begin to canvass absentee ballots, *id.* § 101.68(2)(a), and the Supervisors may begin to conduct early voting, *id.* § 101.657(1)(d). The Supervisors must mail all sample ballots by October 28, *id.* § 101.20(2), and all absentee ballots by October 31, *id.* § 101.62(2).[3]

The date of the general election—November 4—is established by federal as well as state law. 2 U.S.C. § 7; § 100.031, Fla. Stat. (2013). Similarly, the requirement that absentee ballots be mailed to absent uniformed services and overseas voters at least 45 days before each election is imposed by both federal and state law. 42 U.S.C. § 1973ff-1(a)(8); § 101.62(4), Fla. Stat. (2013). Because these deadlines flow from federal law, a state court may not alter them.

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[3] The election calendar is set forth in detail in a publication of the Florida Department of State entitled "2013-2014 Dates to Remember." This publication is attached as Exhibit B.

The election calendar is the product of careful consideration—not arbitrary choices. It reflects decades of experience in the practical administration of elections, and has continually been adjusted to conform to the lessons that experience teaches. Indeed, the election process is a choreographed performance. Its proper execution requires time, preparation, and predictability. Even in auspicious circumstances, the administration of elections is a challenging undertaking.

The mandates that appear simple on paper are complex and demanding in fact. If a new redistricting plan were suddenly adopted, potential candidates would require time to review the new district boundaries and determine whether to become candidates. To qualify by the petition method, a candidate for Congress must collect approximately 4,200 signatures[4]—all of them from voters registered in the district that the candidate seeks to represent. The verification of those signatures by the Supervisors of Elections requires time and patience.

The preparation of ballots is an extraordinary task. Even small counties must prepare numerous ballot styles that exhibit different combinations of federal, state, and local candidates and ballot measures, according to the residence of the voter. Neighbors might reside in the same congressional district but different city council districts, while the voter across the street might also reside in a special district. Counties are often required to design hundreds of ballot styles. The ballots must be printed, with enough to spare, and mailed to absentee voters and distributed to polling places. Large counties might print millions of ballots for a single election. Of course, general-election ballots cannot be printed until primary-election results are known.

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[4] The number of signatures required in each congressional district is one percent of the total number of registered voters in the district at the last general election. § 99.095(2)(a), Fla. Stat. (2013). In 2014, the number required varied from as few as 3,451 in District 24 to as many as 4,972 in District 6. *See* FLORIDA DEPARTMENT OF STATE, CANDIDATE PETITION HANDBOOK, at 29, *available at* http://election.dos.state.fl.us/publications/publications.shtml.

The distribution of absentee ballots is another time-consuming function. The Supervisors of Elections must process thousands of requests for absentee ballots. Each request requires election officials to determine the voter's ballot style and to mail and collect each ballot.

The selection and preparation of polling places—whether early-voting sites or precinct locations—also require extensive planning and coordination. The Supervisors must identify dozens or even hundreds of locations that provide all of the necessary facilities for the conduct of an election. They must identify, hire, and train poll workers—thousands of them in each of the larger counties. If an election is rescheduled, it cannot be assumed that the polling places and poll workers identified by the Supervisors will remain available. These are not mere details, but a vast, organized undertaking that would be threatened by a change to the election calendar.

There is no slackness in the period between the primary and general elections. The canvassing of ballots and certification of returns cannot be hurried. As soon as the results are certified, the Supervisors must prepare and mail general-election ballots. And, while these tasks are performed, election officials attend to a litany of other, equally important responsibilities that render the election season—even under the existing statutory schedule—hectic and intense:

> The last sixty days before an election (including the twenty-nine-day book closing period) are the most tumultuous times in a Supervisor's office. During this time, officials must review, process, and input the substantial volume of voter registration applications that are received shortly before the book closing period. They must prepare for and conduct early voting, which begins fourteen days after the book-closing deadline. They must review and respond to thousands of absentee ballot requests. They must recruit and train poll workers. They must respond to an increased volume of telephone and other inquiries from candidates and the voting public. They must process address and other changes of registered voters. They must prepare polling places, including addressing security needs. They must prepare and test voting equipment and plan for its distribution. They must distribute election day materials, including ballots. They must prepare, assemble, and deliver precinct registers. In addition, they must address any contingencies that may arise.

*Diaz v. Cobb*, 541 F. Supp. 2d 1319, 1327 (S.D. Fla. 2008). The election calendar cannot be changed in the midst of the election process,[5] after candidates have collected petitions and qualified, after petitions have been verified, after primary-election ballots have been printed, after absentee ballots have been mailed, and after most of the preparations necessary toward selecting suitable polling locations and hiring and training poll workers have been completed.

Only four States have primary-election dates *later* than Florida.[6] Massachusetts, New Hampshire, Delaware, and Rhode Island will hold their primaries on September 9. This schedule affords them only eleven days to canvass ballots and certify the returns, design and print general-election ballots, and, as federal law requires, mail absentee ballots to absent

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[5] Plaintiffs made the point at the very outset of this litigation. In urging the Court to consider their claims quickly, Plaintiffs explained that the Court, to afford relief effective at the ensuing election, must adjudicate their claims "well in advance of the candidate-qualifying deadline." *See* LOWV Pls.' Notice of Priority Status, at 2 (Feb. 17, 2012) (emphasis added).

> Depending on the resolution of this case, the creation of the remedial plan could be undertaken by the Court or the Legislature, and in either instance will require significant time. . . .
>
> Moreover, practical considerations weigh in favor of having [a remedial] map available to potential candidates much earlier than the candidate-qualifying deadline. At the most basic level, in order to determine whether they will run—and if so, in which districts—candidates must know what the district lines are. Beyond that, the requirements to qualify for placement on the ballot are fairly intensive and take additional time.

*Id.* at 3; *accord* Romo Pls.' Notice of Priority Status, at 3 (Feb. 22, 2012) ("Additionally, potential candidates will need to determine whether they will run for congressional office and in which districts they will be located. There are numerous qualification requirements for placement on the ballot that require an extensive amount of preparation and time."). Only last year, in urging expedited proceedings in the Florida Supreme Court, Plaintiffs recognized that the creation of a remedial map must precede the qualifying deadline. *See* Pet'rs' Am. Mot. for Expedited Review, at 4, *League of Women Voters of Fla. v. Fla. House of Representatives*, 122 So. 3d 868 (Fla. 2013) (No. SC13-951) ("If this challenge is successful, either the Legislature or the Circuit Court will have to create a new map before the qualifying deadline.").

[6] *See* FEDERAL ELECTION COMMISSION, 2014 CONGRESSIONAL PRIMARY DATES, *available at* www.fec.gov/pubrec/fe2014/2014pdates.pdf.

uniformed services and overseas voters. None of these States is nearly as populous as Florida. The population of Massachusetts is approximately one-third of the population of Florida.

A change to congressional districts would impose its own burdens. When districts change, the Supervisors must redraw precinct boundaries to correspond to the new districts. The Supervisors must also issue new voter information cards to every registered voter whose precinct or district is affected. These preliminary steps must precede much of the usual election calendar.

## II. WHEN AN ELECTION IS IMMINENT, COURTS MAY WITHHOLD IMMEDIATE RELIEF, EVEN IF THE ENACTED REDISTRICTING PLAN IS UNCONSTITUTIONAL.

It is no novel proposition to utilize even redistricting plans that have been found constitutionally invalid. In fact, the United States Supreme Court has expressly permitted "elections to be held pursuant to apportionment plans that do not in all respects measure up to the legal requirements, even constitutional requirements." *Upham v. Seamon*, 456 U.S. 37, 44 (1982). This is not because the Court is unconcerned with the constitutional rights of voters, but because immediate relief must at times yield to "[n]ecessity." *Id.* This is one of those times.

Judicial interference with imminent elections, when the election machinery is in progress, does not serve the public interest. The Supreme Court has articulated the controlling principles:

> [U]nder certain circumstances, such as where an impending election is imminent and a State's election machinery is already in progress, equitable considerations might justify a court in withholding the granting of immediately effective relief in a legislative apportionment case, *even though the existing apportionment scheme was found invalid.* In awarding or withholding immediate relief, a court is entitled to and should consider the proximity of a forthcoming election and the mechanics and complexities of state election laws, and should act and rely upon general equitable principles. With respect to the timing of relief, a court can reasonably endeavor to avoid a disruption of the election process which might result from requiring precipitate changes that could make unreasonable or embarrassing demands on a State in adjusting to the requirements of the court's decree.

*Reynolds v. Sims*, 377 U.S. 533, 585 (1964) (emphasis added). The Court reaffirmed these principles in a series of decisions.[7] In *Wells v. Rockefeller*, 394 U.S. 542, 547 (1969), the Court upheld the trial court's decision to proceed under an infirm map when the primary election was only three months away. State and federal courts alike have followed this guidance ever since.

For example, in *Old Person v. Brown*, 182 F. Supp. 2d 1002, 1017-18 (D. Mont. 2002), the Court declined to impose a remedy where the election cycle was in "full swing." In *Dixon v. Hassler*, 412 F. Suppl. 1036, 1038 (W.D. Tenn. 1976), *summ. aff'd sub nom.*, *Republican Party of Shelby County v. Dixon*, 429 U.S. 934 (1976), the Court noted that, while the plaintiffs had "at least presumptively" established invalidity, the Court had "granted them no relief" with respect to the ensuing elections. In *In re Senate Bill 177*, 294 A.2d 657, 660 (Vt. 1972), with an election imminent, the Court denied relief on equitable grounds, though the redistricting plan was invalid.

In 2007, after invalidating North Carolina's redistricting plan, that state's Supreme Court refused to allow the invalidity of the maps to interfere with the approaching election. The Court was "cognizant that the General Assembly will need time to redistrict." *Pender County v. Bartlett*, 649 S.E.2d 364, 376 (N.C. 2007). Even more importantly, the Court "realiz[ed] that candidates have been preparing for the 2008 election in reliance upon the districts as presently drawn. Accordingly, to minimize disruption to the ongoing election cycle, the remedy explained

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[7] *Kirkpatrick v. Preisler*, 390 U.S. 939, 939 (1968) ("[T]he State of Missouri is authorized to conduct the 1968 congressional elections under and pursuant to the 1967 Missouri Congressional Reapportionment Act . . . ."); *Kilgarlin v. Hill*, 386 U.S. 120, 121 (1967) ("We affirm the District Court's action in permitting the 1966 election to proceed under H.B. 195 although constitutionally infirm in certain respects."); *Lucas v. Forty-Fourth Gen. Assembly of State of Colo.*, 377 U.S. 713, 738 (1964) ("Because of the imminence of the November 1962 election, and the fact that two initiated proposals relating to legislative apportionment would be voted on by the State's electorate at that election, the District Court properly stayed its hand and permitted the 1962 election of legislators to be conducted pursuant to the existing statutory scheme.").

above shall be stayed until after the 2008 election. At the conclusion of the 2008 election, House District 18 and other impacted districts must be redrawn." *Id.* (citation to *Reynolds* omitted).

Much earlier, the Pennsylvania Supreme Court found the General Assembly's redistricting plan invalid, but refused to enjoin its use:

> It is obvious that the Pennsylvania Legislature cannot properly act to reapportion itself in the short time remaining before the election . . . . Serious disruption of orderly state election processes and basic governmental functions would result from immediate action by any judicial tribunal restraining or interfering with the normal operation of the election machinery at this late date. The Legislature should not be denied a reasonable opportunity to enact new reapportionment legislation.

*Butcher v. Bloom*, 203 A.2d 556, 568-69 (Penn. 1964). Many other courts have done likewise. *See White v. Anderson*, 394 P.2d 333, 338 (Colo. 1964) ("Confronted as we are with a situation in which an election is imperative and in which the rights of the voter should be preserved, it is incumbent upon this court to permit the election to be held."); *Guntert v. Richardson*, 394 P.2d 444, 446 (Haw. 1964) ("For present purposes we can assume the invalidity of the composition and apportionment of the State Legislature, in whole or in part. So assuming, we nevertheless agree with the defendant that we should not interfere with the 1964 elections."); *In the Matter of Legislative Districting of Gen. Assembly*, 175 N.W.2d 20, 29 (Iowa 1970) ("[W]e deem it unwise to undertake adoption or cause adoption of any redistricting plan for the 1970 elections. It is imperative that government continue and to that end deviations which otherwise might be fatal will be tolerated for the 1970 elections."); *Fischer v. State Bd. of Elections*, 879 S.W.2d 475, 480 (Ky. 1994) ("We recognize that immediate effectiveness of this opinion would disrupt the orderly process of electing Representatives and Senators in 1994."); *Davenport v. Apportionment Comm'n of State of N.J.*, 304 A.2d 736, 739 (N.J. Super. Ct. App. Div. 1973) ("Our decision not to disrupt this year's election process does not mean that we approve the Apportionment Commission's districting plan now before us. [O]n the basis of the record before us we have

grave doubts as to whether the plan complies completely as it should with state constitutional requirements."); *Jackman v. Bodine*, 231 A.2d 193, 201 (N.J. 1967) ("[W]e are confronted with an imminent election, and since a reconsideration could entail the subject of Assembly districting throughout the State, we deem it unwise to direct that that task be undertaken and completed before the November 1967 election."); *Terrazas v. Ramirez*, 829 S.W.2d 712, 7201 (Tex. 1992) ("Many courts have permitted impending elections to proceed under lines already declared unconstitutional in order to permit the legislative process to perform in an orderly fashion.").

Twenty years ago, almost to the day, a federal court in Florida denied a motion for a preliminary injunction prohibiting implementation of Congressional District 3. While it would later invalidate the district, the Court denied the motion "primarily because the court [found] that the public interest would not be served by an act that would inevitably disrupt an election process already well underway." *Johnson v. Smith*, No. 94-40025, 1994 WL 907596, at *1 (N.D. Fla. July 18, 1994). The candidate-qualifying period had closed, and qualified candidates had begun "to organize their campaigns, to raise funds, and to spend those funds in reliance on the present districting scheme." *Id.* "For the court to interfere with that election process now would produce considerable confusion, inconvenience, and uncertainty among voters, candidates, and election officials." *Id.* The harm caused by such disruption outweighed plaintiffs' perceived injury. *Id.*

In July 1992, a federal court imposed remedial State House districts on the State of Florida. *De Grandy v. Wetherell*, 815 F. Supp. 1550 (N.D. Fla. 1992). On appeal, the Supreme Court[8] immediately stayed the decision and permitted the imminent elections to proceed under the districts declared invalid by the trial court. *Wetherell v. De Grandy*, 505 U.S. 1232 (1992).

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[8] In federal court, challenges to redistricting plans are heard by three-judge panels, *see* 28 U.S.C. § 2284(a), and appeals from orders of three-judge courts that grant or deny injunctive relief proceed directly to the United States Supreme Court, *see id.* § 1253.

Our own Supreme Court has acknowledged the validity of the concerns expressed in *Reynolds*. In its automatic review of state legislative districts in 1972, the Court rejected certain challenges that it could not effectively review in its thirty-day proceeding. *In re Apportionment Law Senate Joint Resolution No. 1305, 1972 Regular Session*, 263 So. 2d 797, 808 (Fla. 1972). The Court explained that "an impending election is imminent and the state's election machinery is already in progress. The proximity of the election should be, and is, considered by this Court, as well as the mechanics and complexities of an election under the apportionment plan contained in Joint Resolution No. 1305." *Id.* The Court held that the "forthcoming election may proceed." *Id.* at 809. In 2012, the Court expressed similar concerns for the potential uncertainty of districts and disruption of the election process, rejecting the suggestion that the Court "await challenges brought in trial courts." *In re Senate Joint Resolution of Legislative Apportionment 1176*, 83 So. 3d 597, 609 (Fla. 2012) ("This approach would also create uncertainty for the voters of this state, the elected representatives, and the candidates who are required to qualify for their seats.").

To hold the approaching elections under the enacted plan will not cause post-election disruption. Invalidation of a redistricting plan does not oust elected officials from their seats or undermine elections held under the unconstitutional plan. Rather, candidates elected under an invalid redistricting plan continue to hold their offices until the natural expiration of their terms. *See Connor v. Williams*, 404 U.S. 549, 550 (1972) (concluding that a determination of invalidity would not invalidate elections and require new elections to be ordered); *Johnson v. Mortham*, 926 F. Supp. 1460, 1495 (N.D. Fla. 1996) (ordering that candidates elected under an invalid plan remain in office until the next election); *Long v. Docking*, 283 F. Supp. 539, 544 (D. Kan. 1968) (concluding that candidates elected under an invalid plan continue to hold their offices until the expiration of their terms); *Mann v. Davis*, 238 F. Supp. 458, 460 (E.D. Va. 1964), *aff'd sub nom.*,

*Hughes v. WMCA, Inc.*, 379 U.S. 694 (1965) (same). Nor does the invalidity of a redistricting plan require special elections, *Hellar v. Cenarrusa*, 682 P.2d 524, 528-29, or deprive official acts of elected officials of their validity, *id.* at 529; *Silver v. Brown*, 405 P.2d 132, 140 (Cal. 1965).

Thus, even if candidates are elected under a constitutionally invalid map, there is no serious claim that their constitutional offices would be at risk, or that vacancies would suddenly be created. On the contrary, by requiring invalidly apportioned state legislatures to reapportion themselves, the United States Supreme Court has clearly recognized that existing office-holders, though elected in invalid districts, are validly in place. *See, e.g.*, *Reynolds*, 377 U.S. at 586-87.

Plaintiffs have cited recent redistricting litigation in Texas as an example of a court's power to modify election deadlines and speedily impose new maps. The circumstances of the two cases are not comparable. In Texas, the remedial map was imposed by a federal court—not a state court[9]—and was a compromise plan agreed to by the defendants and some plaintiffs. *See Perez v. Perry*, No. 5:11-cv-00360 (W.D. Tex. Mar. 19, 2012) (D.E. 691 at 2). Critically, the Court in Texas postponed the initial primary election to **March 29** and the runoff primary election to **July 31**, *see Perez v. Perry*, No. 5:11-cv-00360 (W.D. Tex. Mar. 1, 2012) (D.E. 685 at 8-9)—dates much earlier than Florida's regularly scheduled primary election of **August 26**.

[9] If it assists the Court, the Legislative Parties will file a memorandum summarizing the principles that emerge from decades of judicial precedent regarding the adoption of remedial redistricting plans. With remarkable consistency, those cases hold that state legislatures must be afforded a reasonable opportunity to enact a remedial plan, and that a court will impose one only in the last resort, when it becomes clear that legislative action is not forthcoming. In the circumstances of this case, the Legislative Parties also contend that, because the United States Constitution vests in state legislatures exclusive authority (subject to congressional oversight) to regulate congressional elections, *see* U.S. Const. art. I, § 4, cl. 1, a state court is without authority to impose congressional districts, *see Smith v. Clark*, 189 F. Supp. 2d 548 (S.D. Miss. 2002).

With an election *next month—less than 45 days away*—voters, candidates, office-holders, and election administrators deserve certainty. There is nothing unusual or improper about avoiding chaos, confusion, and maladministration by denying immediate relief. In fact, the United States Supreme Court has commended the "wise and temperate" approach of trial courts that permit imminent elections to be conducted without interference, despite the invalidity of the existing districts. *Roman v. Sincock*, 377 U.S. 695, 709-10 (1964). What would be contrary to the public interest would be an order that nullifies all congressional districts mere weeks before a primary election. This Court should specify that its Judgment does not affect the imminent elections, as numerous other courts in similar circumstances have appropriately done.

## CONCLUSION

In the public interest, and to avoid election turmoil, this Court should alter or amend its Judgment to specify that the elections to be held on August 24, 2014, and November 4, 2014, may be conducted under the districts established by the Enacted Plan. If necessary, the Court should conduct an evidentiary hearing concerning applicable election processes and deadlines.

## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was sent by electronic mail on July 15, 2014, to the individuals identified on the Service List that follows.

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IN THE CIRCUIT COURT
OF THE SECOND JUDICIAL
CIRCUIT, IN AND FOR
LEON COUNTY, FLORIDA

RENO ROMO, et al.

Plaintiffs,

vs. CASE NO: 2012-CA-412

KEN DETZNER and PAM BONDI,

Defendants.

THE LEAGUE OF WOMEN VOTERS
OF FLORIDA, et al.

Plaintiffs,

vs. CASE NO: 2012-CA-490

KEN DETZNER, et al.

Defendants.

_____/

| | |
|---|---|
| IN RE: | PENDING MOTIONS |
| BEFORE: | HONORABLE TERRY P. LEWIS |
| DATE: | November 26, 2013 |
| TIME: | Commenced at 11:00 a.m.<br>Terminated at 11:23 a.m. |
| PLACE: | Chambers<br>Leon County Courthouse<br>Tallahassee, Florida |
| REPORTED BY: | SARAH B. GILROY, RPR, CRR<br>sbrinkhoff@comcast.net<br>Notary Public in and for<br>the State of Florida at<br>Large |





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23 REPRESENTING THE ATTORNEY GENERAL:
BLANE WINSHIP, ESQUIRE - Telephonic
24
25





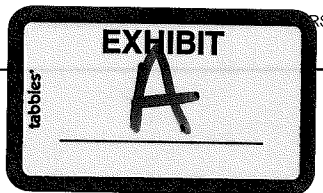
1 THE COURT: This is Judge Lewis. Who do we
2 have on the phone?
3 MR. KING: David King and Tom Zehnder for the
4 Coalition plaintiffs.
5 MS. RIGGS: Allison Riggs for the NAACP
6 intervenor.
7 MR. CANTERO: Raul Cantero for the Florida
8 Senate.
9 MR. DEVANEY: And John Devaney for the Romo
10 plaintiffs.
11 THE COURT: And I have a lot of people in
12 here. If you speak on the phone, the court
13 reporter is going to want you to repeat your name
14 before you speak. But you want to state your
15 appearances here?
16 MR. MEROS: Sure, Your Honor. George Meros
17 and Andy Bardos on behalf of the House, also Dan
18 Nordby, general counsel to the Florida House of
19 Representatives.
20 MR. ZAKIA: Morning, Your Honor. Jason Zakia
21 from White & Case on behalf of the Florida Senate.
22 Also here is George Levesque, general counsel of
23 the Senate.
24 MR. ATKINSON: J. Andrew Atkinson on behalf of
25 the secretary of state.





1 THE COURT: Did I hear somebody else come in
2 on the phone?
3 MR. WINSHIP: Blane Winship for the attorney
4 general.
5 THE COURT: Very good. Y'all are well
6 represented, then.
7 Who is going to speak on behalf of the
8 plaintiffs who want to have a continuance?
9 MR. KING: Your Honor, David King.
10 THE COURT: All right.
11 MR. KING: On behalf of the Coalition
12 plaintiffs. This is our motion for continuance,
13 Your Honor, and we seek a continuance because we
14 still don't have a decision from the Supreme Court
15 which would permit us to complete our discovery in
16 this case.
17 It is my understanding, Your Honor, that
18 neither the House, the Senate, the secretary of
19 state, nor the NAACP, nor the Romo plaintiffs
20 oppose this continuance. So it seems to me like
21 inherent in our motion for continuance, there are
22 some other issues embedded.
23 And I would like to address those briefly, and
24 we can talk about them as much -- assuming that the
25 Court saw it the same way and gave us a





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1 continuance, then the question is really -- the
2 controversy here seems to be about how to handle
3 that, as far as whether to set a trial at some
4 point in the future, or to wait for a decision from
5 the Supreme Court before we reschedule the case for
6 trial.
7 And it was our position in the motion -- it
8 seemed to us to be the most reasonable course of
9 action to wait until there is a decision from the
10 Supreme Court before we reschedule the case for
11 trial, because at that point it would be my concept
12 that we would have an immediate case management
13 conference in front of the Court and reschedule the
14 case for trial when we had an understanding of what
15 was involved from the Supreme Court's decision.
16 For example, if the Supreme Court ruled in a way
17 that we got no right to do any additional
18 discovery, then obviously we would be able to go to
19 trial much earlier.
20 On the other hand, if we were able to do
21 legislative discovery, it would take a longer
22 period to prepare for trial, and it would make
23 sense to set the trial back a little further. So
24 it seemed to me to be a reasonable approach to
25 proceed ahead on that basis.



6

1 I understand that there is not a consensus on
2 that, and I'm sure the other counsel will have
3 their opportunity to say what they have to say
4 about that. But it seems to me that that makes
5 more sense.
6 We waited as long as we could, Your Honor, to
7 file this motion for continuance, hoping that there
8 would be a ruling. And when there was no ruling on
9 Thursday of last week, we felt like it was
10 necessary to go ahead and file this motion for
11 continuance, because at that point there simply
12 would not be -- it would not be possible to meet
13 the January 6th trial deadline if there was some
14 subsequent decision of the Supreme Court.
15 The other issue over which there will be some
16 discussion here today, I suspect, is whether -- and
17 whether how we should extend the discovery
18 period -- or whether we should extend the discovery
19 period. And we submit that you should extend the
20 discovery period, because there are a number of
21 issues that are still involved that will assist us
22 in the trial of this case.
23 I understand that the legislature has taken
24 the position that we should cut off discovery, but
25 that would be very helpful for them, obviously,



7

1 because they still haven't responded to our request
2 for documents that were issued on August the 8th,
3 and we're in -- hot and heavy in discussions. We
4 can confer about whether we have got to file a
5 motion to compel on that.
6 But they've already said they're going to
7 produce a bunch of documents, and they just haven't
8 produced them. So, obviously, if they produce
9 those documents, and there are things in there that
10 require additional depositions that need to be
11 taken, we ought to be able to have the right to do
12 that. In addition, we're involved in discovery
13 from third parties, and the Court is aware of that.
14 And, in fact, the legislature even listed in
15 the supplemental disclosures a new expert. And so
16 we obviously think we ought to be able -- entitled
17 to take a deposition of a brand new expert that we
18 have never heard of until a couple -- a few weeks
19 ago when they did their disclosure.
20 So I think, Your Honor, that it makes sense to
21 extend the discovery period under those
22 circumstances, as we move forward, if the Court
23 sees fit to grant our motion for continuance.
24 So that's kind of the outline of what I think
25 are the important issues here, Your Honor. I think



8

1 that we should have a continuance. We should have
2 a case management decision when there is a decision
3 of the Supreme Court. And we ought to extend the
4 discovery period.
5 THE COURT: Okay. Who wants to speak?
6 Mr. Meros?
7 MR. MEROS: Thank you, Your Honor. Let me be
8 clear what the House's position on this is. We
9 oppose the specific relief sought. We do not
10 oppose a continuance to the extent that it does not
11 prejudice any of the parties in the case.
12 We very much oppose the notion that this case
13 could be tried sometime between mid January and the
14 end of session. The problem we have -- we were
15 able to agree to a January 6th trial because
16 December, for staff and for legislative clients, is
17 a relatively slow month. And the staff, on whom we
18 have relied for any number of things in this matter
19 and -- could accommodate that.
20 Beginning -- once we get into January,
21 virtually every week from then until the end of
22 session staff and the legislators will be
23 aggressively and actively engaged in that, to our
24 great prejudice, because we rely on that staff --
25 not to mention the ability to communicate with

1 our -- with our client.
2 And so this is their motion for continuance.
3 I frankly think they need to either pick January
4 6th as a trial date or a trial date that would not
5 cause prejudice to the legislature. And that would
6 be after session.
7 With regard to discovery, we have said
8 explicitly in our papers, and we will say again,
9 that to the extent that there has been discovery
10 filed or submitted, and there has not been a
11 complete resolution of those, of course we would
12 agree that that can be pursued.
13 To the extent that there are witnesses that
14 have been identified, Mr. King talks about an
15 expert named by the House -- I believe that's
16 Stephen Hodge. Stephen Hodge was first identified
17 by Mr. King on his witness list. But, again, we do
18 plan to use him as an expert. And of course they
19 would have the right to depose him.
20 But what we think would be a huge waste of
21 time would be to embark on yet another round of
22 discovery, whether it's expert discovery or
23 otherwise, unless it was occasioned by the Supreme
24 Court or by pending discovery.
25 We have spent hundreds of hours in preparation





1 and deposition of the various experts. And we will
2 be -- we can complete that -- I mean we have
3 basically completed our discovery. They can take
4 Mr. Hodges' deposition.
5 But the expert discovery is complete. And
6 that expert discovery should not be reopened at
7 huge expense for no reason other than to give
8 people another shot.
9 And so we do not oppose a motion that does not
10 cause prejudice, but we urge the Court not to put
11 the legislature in a position where, at its most
12 critical time, there could be a trial where we are
13 on trial, so to speak. And we need staff and
14 clients.
15 THE COURT: Do you have a time period that you
16 have in mind that would be --
17 MR. MEROS: Well, it seems to me it would have
18 to be at least two weeks after the end of session,
19 because there is a --
20 THE COURT: When is that?
21 MR. MEROS: Because there is a post session
22 wind-up. And also, again, if it were -- let's say
23 it was two weeks after, we would have staff almost
24 not at all until the end of the session.
25 THE COURT: But when is the end of session?





1 MR. MEROS: The first week of May.
2 MR. BARDOS: May 2nd.
3 THE COURT: See, I don't pay much attention.
4 MR. MEROS: It's always the first week of May.
5 THE COURT: So June we're talking about at
6 least?
7 MR. MEROS: Again, depending on people's
8 schedule. It's my understanding that Raul Cantero
9 has a trial in June. But, yeah, I think,
10 practically speaking, to be fair and have access --
11 THE COURT: To tell you the truth, just for
12 scheduling purposes, June, I think I have a long
13 trial -- let me -- well, I will go through. We
14 will check when we have the schedule. You're
15 thinking at least at that point.
16 All right. Anybody else want to speak?
17 MR. ZAKIA: Jason Zakia for the Senate. I
18 think Mr. Meros accurately stated the position of
19 both the legislative parties.
20 THE COURT: Who is representing the secretary
21 of state? I know that they had problems before in
22 terms of scheduling that would interfere with the
23 election process, the qualifying and that sort of
24 thing.
25 What period of time are we looking at that





1 would be the worst from the secretary of state's
2 standpoint?
3 MR. ATKINSON: Your Honor, I -- I think it's
4 already bad, to put it succinctly. Any later is
5 worse, Your Honor. I mean, you're looking at --
6 you're looking at the beginning of qualifying
7 period -- the actual beginning of qualifying when
8 candidates are going to have to actually submit
9 their paperwork.
10 But even prior -- what's been ongoing is the
11 petition -- collection of signatures to qualify.
12 And so we're already within the time period where
13 individuals are having to collect signatures from
14 the districts in which they intend to run in order
15 to qualify by the petition method, and --
16 THE COURT: Let me re -- restate my question,
17 then. What's the best possible time for the
18 secretary of state, or the least worst time?
19 MR. ATKINSON: I think one of the things to
20 ask -- and I don't know if we're prepared to opine
21 on it -- was whether any remedy is going to affect
22 the 2014 election. If that's the case, then
23 January -- January is better than anything. Later
24 than January --
25 THE COURT: January '14, you mean? January;

1 14 is best --
2 MR. ATKINSON: Yes. January --
3 THE COURT: January '15 for the next one?
4 MR. ATKINSON: Yes, Your Honor, or sometime
5 after.
6 THE COURT: The beginning of the year is the
7 best for the secretary of state?
8 MR. ATKINSON: Least worst, Your Honor.
9 That's assuming any remedy is going to be in effect
10 and affect the 2014 general election and primary
11 election, Your Honor.
12 THE COURT: I guess we would look at that. In
13 terms of the trial itself and making a
14 determination, assuming there was a favorable
15 ruling for the plaintiffs, we would come, say,
16 well, what's the remedy? They would be arguing
17 something; you would say, gosh, logistically this
18 is not possible.
19 I guess we would really take that up then. We
20 would cross that bridge when we got to it, I guess.
21 MR. ATKINSON: Yes, sir.
22 MR. MEROS: Your Honor, if I may on that,
23 obviously there would be an appeal. Before a
24 remedy there would be an appeal on the remedy.
25 And so I think, practically speaking, the





1 request for continuance shows that this -- whatever
2 happens here will not disturb the 2014 elections.
3 There is just not time to do that.
4 And I think the secretary of state's position
5 was, when we argued in opposition to the January
6 time period, secretary of state said, that period
7 itself was very problematic, even if it were to
8 conclude in January. But, again, the legislature
9 will not be in a position to have access to its
10 essential people if this thing proceeds further on
11 into January.
12 And, again, I don't know how you do an appeal
13 and -- all of those things will be, again, in this
14 legislative process where we need staff, and we
15 need our clients.
16 THE COURT: Okay. Anybody else want to speak?
17 MR. KING: Your Honor, David King again, if I
18 might respond to Mr. Meros. I would simply point
19 out, Your Honor --
20 THE COURT: Before you do, Mr. King, let me
21 see if any other defendant wants to? Any other
22 defendant want to speak?
23 (No responses).
24 Okay. Go ahead, then.
25 MR. KING: The point I was making, Your Honor,





1 is just that it seems to me like we would be better
2 off to have this argument when we get a decision
3 from the Supreme Court, and we understand exactly
4 what the parameters of that are. And we can then
5 determine whether we go to trial without any
6 legislative witnesses, in which case a trial in
7 March, if we could do that.
8 They've indicated on their witness list that
9 there would be no legislators, no legislative staff
10 testifying. All they would be producing would be
11 their expert witnesses.
12 So that would seem to indicate that that could
13 be done then. And maybe it would affect the 2014
14 election, and maybe not; I don't know the answer to
15 that. But it's all speculation at this point, I
16 would submit.
17 So I think it would make more -- make more
18 sense, it seems, to wait to have this argument
19 about when do we reschedule the trial when we have
20 a better sense of what the trial is going to look
21 like.
22 THE COURT: Okay. Anything else?
23 MR. DEVANEY: Your Honor, this is John Devaney
24 for the Romo plaintiffs. We endorse the position
25 Mr. King just articulated with respect to when the





1 Court should consider setting the trial.
2 THE COURT: Okay.
3 MR. MEROS: Your Honor, may I just very
4 briefly? Again, February, March, beginning of
5 session, that hobbles the legislature in an
6 extraordinarily important way. Not only that, it
7 hobbles lead counsel for the House, who also
8 happens to have lobbying clients and works all the
9 time during the legislative session.
10 But be that as it may, the very -- the very
11 staff and our clients that work so hard on my
12 DistrictBuilder and all of those matters that we
13 will rely on very substantially will not be
14 available to us. And it's their request for
15 continuance, and that -- and if we come back in
16 January or February, we will be saying exactly the
17 same thing we're saying today, because the
18 legislative session is not going to be rescheduled.
19 And we know what the committee weeks are. And
20 we're going to be in that same position.
21 THE COURT: Okay. That's all true. Let me
22 tell you my thoughts on it. I really don't want to
23 continue this case, because it's been going on for
24 a long time. But I also understand the plaintiffs,
25 makes a big difference in their case if they can

1 get a favorable ruling from the Supreme Court.
2 And I guess had I ruled differently, I might
3 have a different opinion. So that's how I ruled;
4 you can't get it anyway, until somebody tells me
5 different. But I would reluctantly say, yes, I
6 understand the importance of getting some
7 determination on that discovery issue.
8 I agree with the plaintiffs, though, that it,
9 to me, makes sense; let's just wait and see what
10 happens, because then we will know whether they're
11 going to take some more discovery of legislators or
12 not, or legislative staff. We will know how much
13 longer it will take. And the way it is now, we
14 don't know that.
15 So, you know, we have got a lot of people that
16 have got to clear their calendars, and all those
17 same things Mr. Meros brings up will be true. We
18 will work around that. And it is the plaintiffs
19 that want to continue, so I will be sympathetic to
20 the scheduling problems, realizing that there is
21 nothing that's going to be great, but we will see
22 what we can do.
23 As far as discovery, I agree with the spirit
24 of the idea that, well, we're getting this case
25 ready. All the stuff that we thought would be





1 ready should be ready. I wouldn't put any specific
2 limits.
3 I would just say, if you think they've come up
4 with some harassing track of discovery, come back
5 to me with a protective order, as opposed to just
6 cutting it off. Then they've got to come and say,
7 well, this is a follow-up. Y'all have been pretty
8 reasonable. You've been able to work most of those
9 things out. If you can't, come see me.
10 I won't put a deadline on anything in terms of
11 discovery. But I would participate, as Mr. Meros
12 said, it would be probably only limited to what's
13 going on right now.
14 Any new things that come up in any depositions
15 or discovery that haven't been done -- that might
16 give you a lead to somebody else you didn't know
17 about before, but you should have done everything
18 you could, and of course resolving any outstanding
19 discovery issues, plus, if the Supreme Court opens
20 up a new area. But I wouldn't put anything
21 limiting, necessarily, in the order.
22 So did I miss anything?
23 MR. KING: No, sir. Would you prefer, Your
24 Honor, for me to prepare a proposed order?
25 THE COURT: That would be nice.





1 MR. KING: And I would assume that we would
2 then be taking the case off the trial docket. We
3 would be canceling the pretrial conference in
4 December, and we would be canceling the deadlines,
5 but putting some language in consistent with what
6 you just said about future discovery?
7 THE COURT: That seems good. You might want
8 to -- do you want to schedule a case management
9 conference out about 60, 90 days, or do you want to
10 put something in the order saying somebody will
11 notify the Court --
12 MR. KING: Oh, oh, absolutely. We will put
13 something in the order that will say that we will
14 schedule a case management conference within 90
15 days, even if we haven't had a decision from the
16 Supreme Court. How would that be, Your Honor?
17 THE COURT: That's good. I mean, at some
18 point -- I don't know how long they can take. I
19 guess y'all are anticipating something pretty soon.
20 What if they haven't done anything in another three
21 or four months?
22 MR. MEROS: Too bad.
23 MR. KING: I think we need to come back to you
24 and talk to you about that then.
25 THE COURT: Good idea. I wouldn't necessarily





1 put a particular date. Just say somebody will
2 contact the Court to schedule one sometime.
3 MR. KING: Right, within 90 days.
4 THE COURT: Okay. Very good. Thank you,
5 then.
6 MR. KING: Thank you, Your Honor.
7 THE COURT: I will say bye to everyone on the
8 phone. Have a good holiday.
9 (The deposition was concluded at 11:22 a.m.)
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1 **CERTIFICATE OF REPORTER**

2 STATE OF FLORIDA )
COUNTY OF LEON )
3

4 I, SARAH B. GILROY, Registered Professional Reporter,
5 and Notary Public, do hereby certify that the foregoing
6 proceedings were taken before me at the time and place
7 therein designated; and that the foregoing pages
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11 I further certify that I am not a relative, employee,
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15 interested in the action.
16 DATED this ___ day of December, 2013.
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# 2013-2014 Dates to Remember

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
(850) 245-6240

FLORIDA
★DIVISION OF★
ELECTIONS

Effective January 1, 2014
Updated on February 21, 2014

EXHIBIT
B

# 2014 Election Dates

**Candidate Qualifying Period**

U.S. Representative, Judicial, State Attorney (20th Circuit Only) and Public Defender (20th Circuit Only)
.....Noon, April 28, 2014 – Noon, May 2, 2014

Governor and Cabinet, State Senator, State Representative, County Office and Special Districts
.....Noon, June 16, 2014 – Noon, June 20, 2014

**Voter Registration Deadline**

Primary Election .....July 28, 2014
General Election .....October 6, 2014

**Absentee Ballot 'Send' Deadline**

For absent stateside and overseas uniformed and civilian voters ("UOCAVA voters") (45 day deadline before election):

Primary Election.....July 12, 2014
General Election .....September 20, 2014

For domestic voters (7-day mailing window):

Primary Election.....July 22 – July 29, 2014
General Election .....September 30 – October 7, 2014

**Early Voting Period** (minimum mandatory 8 days beginning on the 10th day and ending on the 3rd day before election day)†

Primary Election .....August 16 – August 23, 2014
General Election .....October 25, 2014 – November 1, 2014

†Each county Supervisor of Elections may at his or her own discretion offer additional days of early voting on any or all days during the 15th through 11th day and the last Sunday before Election Day.

## Election Day Dates

Primary Election .....August 26, 2014
General Election.....November 4, 2014*

For information about county or municipal election dates, please contact the local county supervisor of elections office or the city clerk's office, respectively.



*Holiday – unless otherwise expressly stated in law or rules, a deadline that falls on a weekend or a legal holiday does not move to the next business day

# 2013 DATES TO REMEMBER

| | |
|---|---|
| January 1 – December 31 | Supervisors of Elections to initiate programmatic address list maintenance *(Section 98.065, F.S. – Each supervisor shall conduct at a minimum in odd-numbered years address registration list maintenance program to be completed no later than 90 days before any federal election)* |
| February 1 (Fri) | Deadline for State and Supervisors of Elections to submit initial responses to U.S. Election Assistance Commission's 2012 Election Administration and Voting Survey. *(Congress chartered U.S. EAC to collection information on election data and monitor voting, registration and voting technology and impact of National Voter Registration Act, Uniformed and Overseas Citizens Absentee Voting Act, Military and Overseas Voting Act, and Help America Vote Act)* |
| February 15 (Fri) | Deadline for participating Supervisors of Elections to upload responses to 2012 FVAP Post-Election Quantitative Voting Survey. *(The Federal Voting Assistance Program (FVAP) is the administrative arm of the U.S. Department of State and administers and monitors compliance with Uniformed and Overseas Citizens Absentee Voting Act of 1986 (UOCAVA). FVAP is collecting data to assist with program improvement and to provide a report to Congress regarding the absentee voting process.)(42 United States Code, Section 1973ff, and Executive Order 12642.)* |
| April 28 (Sun) | Deadline for U.S. Representative, State Attorney, and Public Defender candidates to change party affiliation. *(Section 99.021, F.S. – 365 days before the beginning of qualifying preceding the general election. Qualifying begins noon, Apr 28, 2014.)* |
| June 16 (Sun) | Deadline for Governor and Cabinet, State Senator, State Representative, County Office and Special District candidates to change party affiliation. *(Section 99.021, F.S. – 365 days before the beginning of qualifying preceding the general election. Qualifying begins noon, Jun 16, 2014.)* |



*Holiday – unless otherwise expressly stated in law or rules, a deadline that falls on a weekend or a legal holiday does not move to the next business day

# 2014 DATES TO REMEMBER

| | |
|---|---|
| January 31 (Fri) | Last day for Supervisors of Elections to certify list maintenance activities for prior 6 months to the Division of Elections*(Sections 98.065 and 98.075, F.S. – No later than January 31 of each year)* |
| February 1(Sat) | Initiative petition signature certification deadline *(Article XI, section 5, Fla. Const. – not later than February 1 of the general election year)* |
| March 4 (Tue)* | Legislative Session begins *(Article III, section 3, Fla. Const. -1st Tuesday after the 1st Monday in March)* |
| March 29 (Sat) | Department of State to publish notice of general election in a newspaper of general circulation in each county twice before beginning of qualifying (*Section 100.021, F.S. – During the 30 days prior to the beginning of qualifying. Qualifying begins April 28, 2014.)* |
| March 31 (Mon) | Noon deadline for federal, judicial, state attorney and public defender candidates seeking to qualify by the petition method to submit their signed petitions to Supervisors of Elections *(Sections 99.095 and 105.035, F.S. – Before noon of the 28th day preceding the 1st day of the qualifying period for the office sought)* |
| April 14 (Mon) | 14-day period begins allowing qualifying officers to accept and hold qualifying papers for federal, judicial, state attorney and public defender candidates to be processed and filed during the qualifying period *(Sections 99.061 and 105.031, F.S. – No earlier than 14 days prior to the beginning of the qualifying period)* |
| April 18 (Fri)* | Deadline for officers qualifying as judicial, state attorney or public defender candidates to submit written resignations if the terms of the offices, or any part thereof, run concurrently with each other *(Section 99.012, F.S.– At least 10 days prior to the first day of the qualifying period)* |
| April 21 (Mon) | Deadline for Supervisors of Elections to certify to the Division of Elections the number of valid signatures for federal, judicial, state attorney and public defender candidates seeking to qualify by the petition method *(Sections 99.095 and 105.035, F.S. – No later than the 7th day before the first day of the qualifying period)* |
| April 28 (Mon) | Noon, qualifying period **begins** for all federal, judicial, state attorney and public defender candidates *(Sections 99.061 and 105.031, F.S. – At any time after noon … of the 120th day prior to the primary election)* |
| May 2 (Fri) | Noon, qualifying period **ends** for all federal, judicial, state attorney and public defender candidates *(Sections 99.061 and 105.031, F.S. – No later than noon of the 116th day prior to the date of the primary election)* |
| | Last day of regular legislative session (*Art III, Sec 3(d), Fla. Const.*) |

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| May 8 (Thu) | First day state write-in absentee ballots made available to overseas voters *(Section 101.6951, F.S. – 180 days prior to the General Election)* |
| May 9 (Fri) | Deadline for Department of State to certify to the Supervisors of Elections the names of all duly qualified federal, judicial, state attorney and public defender candidates who have qualified with the Department *(Section 99.061, F.S. – Within 7 days after the closing date for qualifying)* |
| May 19 (Mon) | Noon, deadline for statewide, multi-county, county and district candidates seeking to qualify by the petition method to submit their signed petitions to Supervisors of Elections *(Section 99.095, F.S. – Before noon of the 28th day preceding the 1st day of the qualifying period for the office sought)* |
| May 22 (Thu) | Department of State to remit to the respective state executive committees of political parties, 95% of their entitled filing fees and party assessments from federal, state attorney, and public defender candidates (*Section 99.103, F.S. – No later than 20 days after the close of qualifying)* |
| May 28 (Wed) | Deadline for Supervisors of Elections to notify overseas voters of upcoming primary and general elections (*Section 100.025, F.S. – At least 90 days prior to regular primary and general elections)*<br>Last day for Supervisors of Elections to complete any address list maintenance program activities and to remove from the rolls voters designated 'inactive' because of an undeliverable address confirmation notice or never responding to such notice and who thereafter did not vote, request an absentee ballot, or update their voter registration records after 2 general federal elections *(Section 98.065, F.S. – 90 days prior to a federal election)(Note: Voters ineligible for reasons such as felony conviction, mental incapacity, death, not a U.S. citizen, fictitious person, etc., can be removed at any time including in the 90-day period before an election)* |
| June 2 (Mon) | 14-day period begins for qualifying officers to accept and qualifying papers for statewide, multi-county, county and district candidates to be processed and filed during the qualifying period *(Section 99.061, F.S. – No earlier than 14 days prior to the beginning of the qualifying period)* |
| June 6 (Fri) | Written resignations due for officers qualifying as a candidate for statewide, multi-county, county, or district office if the terms of the offices, or any part thereof, run concurrently with each other *(Section 99.012, F.S. – At least 10 days prior to the first day of the qualifying period)* |



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| June 9 (Mon) | Deadline for Supervisors of Elections to certify to the Division of Elections the number of valid signatures for statewide, multi-county, and district candidates seeking to qualify by the petition method *(Section 99.095, F.S. – No later than the 7th day before the first day of the qualifying period)* |
| June 16 (Mon) | Noon, qualifying **begins** for all statewide, multi-county, county, and district candidates (other than judicial, state attorney, and public defender candidates)*(Section 99.061, F.S. – Noon of the 71st day prior to the primary election)* |
| June 20 (Fri) | Noon, qualifying **ends** for all statewide, multi-county, county, and district candidates (other than, judicial, state attorney, and public defender candidates)*(Section 99.061, F.S. – No later than noon of the 67th day prior to the primary election)* |
| June 21(Sat) | Supervisors of Elections to submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified *(Section 99.092, F.S. – Immediately after the last day for qualifying)* |
| June 27 (Fri) | Supervisors of Elections to prepare daily electronic files of absentee ballot request information and upload to the Department of State for the Primary Election (*Section 101.62, F.S. and Rule 1S-2.043, F.A.C. – 60 days prior to the primary on a daily basis by 8 a.m. and continuously until 15 days after the general election)* |
| | Deadline for Department of State to certify to the Supervisors of Elections the names of all duly qualified statewide, multi-county, county, and district candidates who have qualified with the Department *(Section 99.061, F.S. – Within 7 days after the closing date for qualifying)* |
| June 27 (Fri) – July 2 (Wed) | Any revisions to security procedures due to the Department of State (*Section 101.015, F.S. – At least 45 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| July 10 (Thu) | Department of State to remit to the respective state executive committees of political parties, 95% of their entitled filing fees and party assessments from statewide, multicounty, and district candidates (*Section 99.103, F.S. – No later than 20 days after the close of qualifying)* |
| July 12 (Sat) | Deadline for Supervisors of Elections to send absentee ballots to UOCAVA voters for the Primary Election *(Section 101.62, F.S. – No fewer than 45 days before the primary election)* |



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| July 14 (Mon) | Division of Elections to submit information on compliance with 45-day UOCAVA absentee ballot mail-out for the Primary Election to Department of Justice *(43 days before the Primary Election)* |
| July 20 (Sun) | Supervisors of Elections to remit filing fees to the state executive committee of the political party of the candidates *(Section 99.061, F.S. – Within 30 days after the close of qualifying)* |
| July 22 (Tue) – July 29 (Tue) | Mandatory 7-day window during which Supervisors of Elections must send out absentee ballots to all domestic voters who requested absentee ballots *(Section 101.62, F.S. – Between 35th and 28th day before the election)* |
| July 25 (Fri) | Deadline to report HAVA "Balance" Report *(i.e., remaining balance of HAVA funds as of June 30, 2014)(Help America Vote Act of 2002)* |
| July 27 (Sun) | Last day for Supervisors of Elections to designate early voting sites for the Primary Election and to notify the Division of Elections of addresses and hours for each site *(Section 101.657, F.S. – No later than the 30th day prior to the election)* |
| | First day a challenge to a voter may be filed for the Primary Election *(Section 101.111, F.S. – No sooner than 30 days before an election)* |
| July 27 (Sun) - August 1 (Fri) | Last day for Supervisors of Elections to mail notice of time and location of logic and accuracy test (L&A test) to county party chairs and candidates who did not receive notice at qualifying (*Section 101.5612, F.S. – At least 15 days prior to the beginning of early voting, specific date will depend on when county will begin conducting early voting)* |
| July 28 (Mon) | Deadline to register for the Primary Election *(Section 97.055, F.S. – On the 29th day before each election)* |
| | Deadline for Supervisors of Elections to request reimbursement for 2009 HHS Funds (U.S. Department of Health and Human Services Voting Access for Individuals with Disabilities (VOTE) Program for Polling Place Accessibility |
| July 28 (Mon) - August 2 (Sat) | Noon, poll watcher designations due for early voting sites for Primary Election *(Section 101.131, F.S. – Before noon at least 14 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| July 31 (Thu) | Supervisors of Elections to certify address and eligibility list maintenance activities to the Division of Elections *(Sections 98.065 and 98.075, F.S. – No later than July 31 of each year)* |
| August 1(Fri) – August 6 (Wed) | First day to conduct logic and accuracy test (L&A test) for Primary Election (*Section 101.5612, F.S. – No more than 10 days prior to beginning of early voting, specific date will depend on when county will begin conducting early voting)* |



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| August 4 (Mon) | Last day for supervisors to post election preparation report on official website (*Section 100.032, F.S. – at least 3 months before a general election*) |
| August 4 (Mon) – August 9 (Sat) | Last day for Supervisors of Elections to approve poll watchers and provide poll watcher identification badges for early voting sites for the Primary Election *(Section 101.131, F.S. – No later than 7 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| August 6 (Wed) | Last day for Supervisors of Elections to appoint poll workers for the Primary Election *(Section 102.012, F.S. – At least 20 days prior to any election)* |
| | Last day state write-in ballot is available to overseas voters *(Section 101.6951, F.S. – 90 days prior to a general election)* |
| August 11 (Mon) | 7 a. m., Canvassing board may begin canvassing absentee ballots for the Primary Election *(Section 101.68, F.S. – 7 a.m. on the 15th day before the election)* |
| | Early voting may begin prior to the mandatory early voting period, at the discretion of the supervisor *(Section 101.657, F.S. – Early voting may be offered at the discretion of the supervisor of elections on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election)* |
| August 12 (Tue) | Noon, poll watcher designations for the Primary Election due *(Section 101.131, F.S. – Prior to noon of the 2nd Tuesday preceding the election)* |
| | If early voting begins on August 11, first day for Supervisors of Elections to prepare daily electronic files of early voting summary and early voting details and upload to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C. – No later than noon of each day for the previous day's activities)* |
| August 16 (Sat) | Early voting must begin for the Primary Election *(Section 101.657, F.S. – Early voting shall begin on the 10th day before an election)* |
| August 17 (Sun) | First day after mandatory 8-day early voting period begins for Supervisors of Elections to prepare daily electronic files of early voting summary and early voting details and upload to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C.– No later than noon of each day for the previous day's activities)* |



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| August 19 (Tue) | Last day for Supervisors of Elections to approve poll watchers and provide poll watcher identification badges for the Primary Election *(Section 101.131, F.S. – On or before the Tuesday before the election)* |
| | Last day for Supervisors of Elections to mail or email sample ballots to voters for the Primary Election *(Section 101.20, F.S. – At least 7 days prior to any election)* |
| August 20 (Wed) | 5 p.m. deadline for Supervisors of Elections to receive requests for absentee ballots to be mailed to voters for the Primary Election *(Section 101.62, F.S. – No later than 5 p.m. on the 6th day before the election)* |
| August 21 (Thu) | First day that a designee can pick-up an absentee ballot on behalf of a voter for the Primary Election *(Section 101.62, F.S. – up to 5 days prior to the election)* |
| August 22 (Fri) | Last day for Supervisors of Elections to mail absentee ballots requested for the Primary Election *(Section 101.62, F.S. – No later than 4 days before the election)* |
| | 5 p.m. deadline for late registration for specified subcategory of UOCAVA individuals *(Section 97.0555, F.S. and Rule 1S-2.029, F.A.C.– 5 p.m. on the Friday before the election; any uniformed services or Merchant Marine member discharged or separated, or returned from military deployment or activation after 29-day registration deadline, or for any overseas U.S. citizen who left employment after 29-day registration deadline, and any family member accompanying them).* |
| August 23 (Sat) | Early voting ends for the Primary Election, unless Supervisor of Elections in respective county has decided to extend early voting to include Sunday (2nd day) before election *(Section 101.657, F.S. – Early voting shall end on the 3rd day before an election)* |
| August 24(Sun) | Early voting ends for the Primary Election if Supervisor of Elections in respective county has decided to offer early voting on the 2nd day before election (*Section 101.657, F.S. – Early voting may also be offered at the discretion of the supervisor of elections on the . . . . 2nd day before an election)* |
| August 24 (Sun)-<br>August 30 (Sat) | Period in which proposed constitutional amendments are advertised in a newspaper of general circulation in each county *(Art XI, Sec 5(d), Fla. Const. - Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment ...shall be published in one newspaper of general circulation in each county)* |



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| August 25 (Mon) | Noon, Last day for Supervisors of Elections to prepare daily electronic files of early voting summary and early voting details and upload to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C. – No later than noon of each day for the previous day's activities* |
| | Last day to publish sample ballot in newspaper of general circulation in the county for the Primary Election *(Section 101.20, F.S. – Prior to the day of the election)* |
| | Last day for Supervisor of Elections to deliver 'no excuse' absentee ballot to voter or designee to pick up no excuse absentee ballot. *(Section 101.62, F.S.)* |
| | 7 p.m. deadline for supervisors to upload into county election management system the results of all early voting and absentee ballots that have been canvassed and tabulated by the end of the early voting period (*Section 102.141 (4)(a), by 7 p.m. on the day before the election*) |



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**August 26 (Tue)** **PRIMARY ELECTION *(Section 100.061, F.S. – On the Tuesday 10 weeks prior to the general election)***

"Emergency excuse" affidavit required for Supervisor of Elections to deliver absentee ballot to voter or voter's immediate family designee on Election Day, other than to registered voters through supervised voting in assisted living facility *(Section 101.62, F.S.- Except as provided in s. 101.655, the supervisor may not deliver an absentee ballot to an elector or an elector's immediate family member on the day of the election unless voter affirms in an affidavit to an emergency that keeps the voter from being able to go to his or her assigned polling place.)*

7 p.m. deadline for receipt of absentee ballots for the Primary Election *(Section 101.67, F.S., – All absentee ballots must be received by 7 p.m. election day)*

Preliminary Election Results must be filed with the Department of State, within 30 minutes after polls close and in 45-minute increments thereafter on election night until all results (except provisional ballots) are completely reported. *(Section 102.141, F.S.,)(All Election Day ballots cast, early voting ballots, and for absentee ballots, those that are canvassed and tabulated by each reporting increment, until completed.)*

Department of State to remit remainder of filing fees and party assessments to the respective political parties *(Section 99.103, F.S. – No later than the date of the primary election)*

August 28 (Thu) 5 p.m., deadline for persons voting a provisional ballot to provide evidence of eligibility to Supervisors of Elections *(Section 101.048, F.S. – No later than 5 p.m. on the 2nd day following the election)*

August 29 (Fri) Noon, deadline for county canvassing boards to file 1st Unofficial Results of the Primary Election with the Department of State *(Section 102.141, F.S. – No later than noon of the 3rd day after a primary election)*

August 31(Sun) 3 p.m., deadline for county canvassing board to file 2nd Unofficial Results for the Primary Election, if recount conducted *(Section 102.141, F.S. – No later than 3 p.m. of the 5th day after a primary election)*



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| September 2 (Tue) | 5 p.m., deadline for county canvassing boards to submit Official Results to the Department of State for the Primary Election *(Section 102.112, F.S. – 5 p.m. on the 7th day following a primary)* |
| | County canvassing boards to submit 'Conduct of Elections' report on Primary Election to the Division of Elections *(Section 102.141, F.S., – At the same time that the results of an election are certified)* |
| September 3 (Wed) | County canvassing boards to begin publicly noticed audit of the voting system for the Primary Election *(Section 101.591, F.S. – Immediately following the certification of the election by the county canvassing board)* |
| | Supervisors of Elections to transmit to the Department of State a list containing the names of all county and district officers nominated or elected, the office for which each was nominated or elected, and the mailing address of each *(Section 102.151, F.S. – Immediately after the county canvassing board has canvassed the returns of the election)* |
| September 4 (Thu) | 9 a.m., Elections Canvassing Commission meets to certify 'Official Results for federal, state, and multicounty office *(Section 102.111, F.S. – 9 a.m. on the 9th day after a primary election)* |
| September 5 (Fri) - September 10 (Wed) | Deadline for Supervisors of Elections to submit any revisions to Security procedures to the Department of State (*Section 101.015, F.S. – At least 45 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| September 9 (Tue) | 11:59 p.m. deadline for completion of the voting system audit and for the results to be made public *(Section 101.591, F.S. and Rule 1S-5.026, F.A.C. – No later than 11:59 p.m. on the 7th day following certification of the election by the county canvassing board)* |
| September 20 (Sat) | Last day for Supervisors of Elections to send absentee ballots to UOCAVA voters for the General Election *(Section 101.62, F.S. – not less than 45 days before the general election)* |
| September 21 (Sun)- September 27 (Sat) | Period in which proposed constitutional amendments are advertised in a newspaper of general circulation in each county *(Art XI, Sec 5(d), Fla. Const. - Once in the tenth week, and once in the sixth week immediately preceding the week in which the election is held, the proposed amendment ...shall be published in one newspaper of general circulation in each county)* |
| September 22 (Mon) | Division of Elections to submit information on compliance with 45-day UOCAVA absentee ballot mail-out for the General Election to Department of Justice *(43 days before General Election)* |
| September 24 (Wed) | Report of voting system audit due to Division of Elections *(Section 101.591, F.S. and Rule 1S-5.026, F.A.C. – Within 15 days after completion of the audit)* |



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| September 25 (Thu) | Last day by when Supervisor of Elections must make information about provisional ballot available to individual voters on free access system for the Primary Election *(Section 101.048, F.S. – No later than 30 days following the election)* |
| September 30 (Tue) - October 7 (Tue) | 7-day mandated period for Supervisors of Elections to mail absentee ballots to all domestic (non-UOCAVA) absentee voters *(Section 101.62, F.S. – Between 35th and 28th day before the election)* |
| October 4(Sat) | Deadline for Supervisors of Elections to file precinct level results of the Primary Election with the Division of Elections *(Section 98.0981, F.S.– Within 30 days after certification of election results by Elections Canvassing Commission for primary election)* |
| | Deadline for Supervisors of Elections to update voting history for Primary Election *(Section 98.0981, F.S. – Within 30 days after certification of election by Elections Canvassing Commission results for primary election)* |
| October 5 (Sun) | Last day for Supervisors of Elections to designate early voting sites for the General Election and to provide the Division of Elections with addresses and hours for early voting sites *(Section 101.657, F.S. – No later than the 30th day prior to the election)* |
| | First day that a voter may challenge in writing another voter's eligibility to for the General Election *(Section 101.111, F.S. – No sooner than 30 days before an election)* |
| October 5 (Sun) - October 10 (Fri) | Last day for Supervisors of Elections to mail notice of time and location of logic and accuracy (L&A) test to county party chairs and candidates who did not receive notice at qualifying (*Section 101.5612, F.S. – At least 15 days prior to the beginning of early voting, specific date will depend on when county will begin conducting early voting)* |
| October 6 (Mon) | Deadline to register to vote for the General Election *(Section 97.055, F.S. – On the 29th day before each election. If the 29th day falls on a Sunday or a legal holiday, the registration books must be closed on the next day that is not a Sunday or a legal holiday)* |
| October 6 (Mon) - October 11 (Sat) | Noon deadline to submit poll watcher designations for early voting sites for General Election *(Section 101.131, F.S. – Before noon at least 14 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| October 10(Fri) - October 15 (Wed) | First day to conduct logic and accuracy test for General Election *(Section 101.5612, F.S. – No more than 10 days prior to beginning of early voting, specific date will depend on when county will begin conducting early voting)* |



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| October 13 (Mon)* - October 18 (Sat) | Last day for Supervisors of Elections to approve poll watchers and provide poll watcher identification badges for early voting sites for the General Election *(Section 101.131, F.S. – No later than 7 days before early voting begins, specific date will depend on when county will begin conducting early voting)* |
| October 15 (Wed) | Last day for Supervisors of Elections to appoint poll workers for the General Election *(Section 102.012, F.S. – At least 20 days prior to any election)* |
| October 19 (Sun) | Deadline for Department of State to report to Florida Legislature updated voting and voter information *(Section 98.0981, F.S. – Within 45 days after certification of election results for primary election)* |
| | Department of State to make publicly available on website compiled precinct level results of the Primary Election *(Section 98.0981, F.S. – Within 45 days after certification of election results for primary election)* |
| October 20 (Mon) | 7 a.m., canvassing board may begin canvassing absentee ballots for the General Election *(Section 101.68, F.S. – 7 a.m. on the 15th day before the election)* |
| | Early voting may begin, at the discretion of the supervisor (*Section 101.657, F.S. – Early voting may be offered at the discretion of the supervisor of elections on the 15th, 14th, 13th, 12th, 11th, or 2nd day before an election)* |
| October 21 (Tue) | Noon deadline to submit poll watcher designations for the General Election *(Section 101.131, F.S. – Prior to noon of the 2nd Tuesday preceding the election)* |
| | If early voting begins on October 20, first day for Supervisors of Elections to prepare daily electronic files of early voting summary and early voting details and upload to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C. – No later than noon of each day for the previous day's activities)* |
| October 25 (Sat) | Mandatory early voting period begins for the General Election *(Section 101.657, F.S. – Early voting shall begin on the 10th day before an election)* |
| October 26 (Sun) | First day after mandatory 8-day early voting period begins for Supervisors of Elections to prepare daily electronic files of early voting summary and early voting details and upload to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C.– No later than noon of each day for the previous day's activities)* |



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| October 28 (Tue) | Last day for Supervisors of Elections to approve poll watchers and provide poll watcher identification and badges for the General Election *(Section 101.131, F.S. – On or before the Tuesday before the election)* |
| | Last day to mail or email sample ballots to voters for the General Election *(Section 101.20, F.S. – At least 7 days prior to any election)* |
| October 29 (Wed) | 5 p.m. deadline for Supervisors of Elections to receive requests for absentee ballots to be mailed to voters for the General Election *(Section 101.62, F.S. – No later than 5 p.m. on the 6th day before the election)* |
| October 30 (Thu) | First day to provide absentee ballots to designees for the General Election *(Section 101.62, F.S. – Up to 5 days prior to the election)* |
| October 31 (Fri) | Last day for Supervisors of Elections to mail absentee ballots for the General Election *(Section 101.62, F.S. – No later than 4 days before the election)* |
| | 5 p.m. deadline for late registration for specified subcategory of UOCAVA individuals *(Section 97.0555, F.S. and Rule 1S-2.029, F.A.C. – 5 p.m. on the Friday before the election; any uniformed services or Merchant Marine member discharged or separated, or returned from military deployment or activation after 29-day registration deadline, or for any overseas U.S. citizen who left employment after 29-day registration deadline, and any family member accompanying them)* |
| | Deadline for Supervisors to submit annual report on HHS Funds (U.S. Department of Health and Human Services Voting Access for Individuals with Disabilities (VOTE) Program for Polling Place Accessibility |



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| November 1 (Sat) | Early voting ends for the General Election, unless supervisor has decided to extend early voting to Sunday (the 2nd day) before election *(Section 101.657, F.S. – Early voting shall end on the 3rd day before an election)* |
| November 2 (Sun) | Early voting ends for the General Election if Supervisor of Elections has decided to extend early voting to include Sunday (2nd day) before election *Section 101.657, F.S. – Early voting may also be offered at the discretion of the supervisor of elections on the . . . . 2nd day before an election)* |
| November 3 (Mon) | Last day for Supervisors of Elections to prepare and upload daily electronic files of early voting summary and early voting details to the Department of State *(Section 101.657, F.S. and Rule 1S-2.043, F.A.C. – No later than noon of each day for the previous day's activities.)* |
| | Last day for Supervisors of Elections to publish sample ballot in newspaper of general circulation in the county for the General Election *(Section 101.20, F.S. – Prior to the day of the election)* |
| | 7 p.m. deadline for supervisors to upload into county election management system the results of all early voting and absentee ballots that have been canvassed and tabulated by the end of the early voting period *(Section 102.141 (4)(a), by 7 p.m. on the day before the election)* |
| | Last day for Supervisor of Elections to deliver 'no excuse' absentee ballot to voter or designee to pick up absentee ballot. *(Section 101.62, F.S.)* |



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**November 4* (Tue)** **GENERAL ELECTION *(Section 100.031, F.S. – On the 1st Tuesday after the 1st Monday in November of each even numbered year)***

"Emergency excuse" affidavit required for Supervisor of Elections to deliver absentee ballot to voter or voter's immediate family designee on Election Day, other than to registered voters through supervised voting in assisted living facility *(Section 101.62, F.S.- Except as provided in s. 101.655, the supervisor may not deliver an absentee ballot to an elector or an elector's immediate family member on the day of the election unless voter affirms in an affidavit to an emergency that keeps the voter from being able to go to his or her assigned polling place.)*

7 p.m. deadline for receipt of absentee ballots for the General Election (except overseas absentee ballots which are postmarked or signed and dated no later than the date of the general election may be received up to 10 days from the date of the general election) – (Section 101.6952. F.S.; *Rule 1S-2.013, F.A.C. – Based on settlement agreement: United States vs. State of Florida et al., TCA-80-1055 [N.D. Fla. Apr. 2, 1982])*

Preliminary election returns must be filed with the Department of State, beginning within 30 minutes after polls close and in 45-minute increments thereafter until all results (except provisional ballots) are completely reported. *(Section 102.141, F.S. – On election night) (all election day ballots cast, early voting ballots, and for absentee ballots, those that are canvassed and tabulated by time of reporting, until completed)*

November 6 (Thu) — 5 p.m., deadline for persons voting a provisional ballot to provide evidence of eligibility to Supervisors of Elections *(Section 101.048, F.S. – No later than 5 p.m. on the 2nd day following the election)*

November 8 (Sat) — Noon deadline for county canvassing boards to file 1st Unofficial Results of General Election with the Department of State *(Section 102.141, F.S. – No later than noon of the 4th day after a general election)*

November 13 (Thu) — 3 p.m. deadline for county canvassing board to file 2nd Unofficial Results of General Election with the Department of State, if recount was conducted *(Section 102.141, F.S. – No later than 3 p.m. of the 9th day after the election)*



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| November 14 (Fri) | Deadline for receipt of overseas ballots for General Election, provided they are postmarked or signed and dated no late than federal election day *(Section 101.6952(5)*, F.S. – *Ballot postmarked or signed and dated no later than the date of the federal election and received no later than 10 days from the date of the election)* |
| November 16 (Sun) | Noon deadline for county canvassing boards to submit Official Results to the Department of State for the General Election *(Section 102.112, F.S. – Noon on the 12th day following the election)* |
| | Noon, deadline for county canvassing boards to submit 'Conduct of Elections' report to the Division of Elections on the conduct of the General Election *(Section 102.141, F.S., – At the same time that the results of an election are certified)* |
| November 17 (Mon) | County canvassing boards to begin publicly noticed audit of the voting system for the General Election *(Section 101.591, F.S. and Rule 1S-5.026, F.A.C. – Immediately following the certification of the election by the county canvassing board)* |
| | Supervisors of Elections to transmit to the Department of State a list containing the names of all county and district officers elected, the office for which each was elected, and the mailing address of each *(Section 102.151, F.S. – Immediately after the county canvassing board has canvassed the returns of the election)* |
| November 18 (Tue) | 9 a.m., Election Canvassing Commission meets to certify 'Official Results' for federal, state, and multicounty office *(Section 102.111, F.S. – 9 a.m. on the 14th day after a General Election)* |
| November 19 (Wed) | Last day to prepare and upload daily electronic files of absentee ballot request information to the Department of State by 8 a.m. *(Section 101.62, F.S. and Rule 1S-2.043, F.A.C. – Beginning 60 days prior to the primary election on a daily basis by 8 a.m. until 15 days after the general election)* |
| November 23 (Sun) | 11:59 p.m., deadline for completion of the voting system audit and for the results to be made public *(Section 101.591, F.S. and Rule 1S-5.026, F.A.C. – No later than 11:59 p.m. on the 7th day following certification of the election by the county canvassing board)* |
| December 1 (Mon) | Deadline for Supervisors of Elections of each county to submit total number of petition signatures verified at no charge for candidate or organization to seek reimbursement from Chief Financial Officer *(Section 99.097, F.S. – No later than December 1 of the general election year)* |



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| December 4 (Thu) | Last day by when Supervisor of Elections must make information about provisional ballot available to individual voters on free access system for the General Election *(Section 101.048, F.S. – No later than 30 days following the election)* |
| December 8 (Mon) | Report for post-election certification voting system audit is due to Division of Elections *(Section 101.591, F.S. – Within 15 days after completion of the audit)* |
| December 15 (Mon) | Deadline for Supervisors of Elections to submit reports on voter education programs to the Department of State *(Section 98.255, F.S. – By December 15 of each General Election year)* |
| | Deadline for reports on the total number of overvotes and undervotes in the "Governor and Lieutenant Governor" race to be filed with the Department of State (*Section 101.595, F.S. – No later than December 15 of each general election year*) |
| December 18 (Thu) | Deadline for Supervisors of Elections to file precinct level results of the General Election with the Division of Elections *(Section 98.0981, F.S. – Within 30 days after certification of election results for general election)* |
| | Deadline for Supervisors of Elections to update voting history for General Election *(Section 98.0981, F.S. and Rule 1S-2.043, F.A.C. – Within 30 days after certification of election results for general election)* |
| December 31 (Wed) | Deadline for Supervisors of Elections to submit to the Department of State HAVA Funds Expenditure Reports for use of funds relating to voter education, poll worker recruitment and training, federal elections assistance, voting systems assistance and ballot-on-demand |
| | Supervisors of Elections may now remove post-election all designated *inactive* voters who have not voted or attempted to vote, requested an absentee ballot, or updated their voter registration record in two general (federal) elections since they were made inactive. *(Section 98.065(4)(c), F.S.; s. 8, NVRA)* |
| | All user IDs and passwords issued during prior year for access to statewide absentee ballot request information expires |
| | Supervisors of Elections should review General Records Retention Schedule 3 for Election Records and conduct public records retention/management for public records that are ready for disposition |



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# 2015 DATES TO REMEMBER

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| January 2 (Fri) | Deadline for Department of State to report to the Florida Legislature updated voting and voter information history *(Section 98.0981, F.S. – Within 45 days after certification of election results for general election)* |
| | Department of State to make publicly available on website compiled precinct level results of the General Election *(Section 98.0981, F.S. – Within 45 days after certification of election results for general election)* |



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*Division of Elections*

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