

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

LEAGUE OF WOMEN VOTERS OF  
FLORIDA, INC.; LEAGUE OF  
WOMEN VOTERS OF FLORIDA  
EDUCATION FUND and FLORIDA  
STATE CONFERENCE OF THE  
NAACP,

*Plaintiffs,*

v.

RON DESANTIS, in his official  
capacity as Governor of the State of  
Florida, and CORD BYRD, in his  
official capacity as Secretary of the  
State of Florida.

*Defendants.*

**CASE NO.** [click to insert case number](#)

**COMPLAINT FOR EMERGENCY INJUNCTIVE  
AND DECLARATORY RELIEF**

Plaintiffs, the LEAGUE OF WOMEN VOTERS OF FLORIDA, INC, the  
LEAGUE OF WOMEN VOTERS OF FLORIDA EDUCATION FUND  
(collectively “LWVFL” or “the League”), and the FLORIDA STATE  
CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE  
ADVANCEMENT OF COLORED PEOPLE (“FL NAACP”), by and through the  
undersigned attorneys, the Southern Poverty Law Center, files this COMPLAINT

FOR EMERGENCY INJUNCTIVE AND DECLARATORY RELIEF against Defendant RON DESANTIS, in his official capacity as Governor of the State of Florida, and Defendant, CORD BYRD, in his official capacity as Secretary of State of the State of Florida (collectively, “Defendants”) and alleges upon information and belief as follows:

### **NATURE OF THE CASE**

1. “No right is more precious in a free country than that of having a voice in the election of those who make the laws under which, as good citizens, we must live. Other rights, even the most basic, are illusory if the right to vote is undermined.” *Wesberry v. Sanders*, 376 U.S. 1, 17 (1964).

2. In Florida, you must be registered by the deadline to vote in upcoming elections. Under state law, the voter registration deadline for Florida voters is October 7, 2024. Eligible United States citizens who fail to register by October 7 will be unable to register thereafter in time to cast a ballot in the upcoming 2024 general election scheduled to occur on November 4, 2024.

3. This deadline stands sandwiched between two life-threatening obstacles to registering to vote—Hurricane Helene, which made landfall in Perry, Florida on September 26 as a deadly Category Four hurricane, and Hurricane Milton, expected to make landfall later this week in Florida’s peninsula as a catastrophic Category Five hurricane.

4. As time runs out for Floridians to escape the second catastrophic hurricane to barrel through their state in less than two weeks, time is also running out for Floridians to register to vote.

5. In total, at least eight counties have been issued evacuation orders, some of which were issued the morning of the voter registration deadline. With Floridians barely regaining a sense of normalcy after statewide closures and widespread outages and devastation following Hurricane Helene, news of Hurricane Milton's impending arrival has sent the state into a panic, and emergency planning has gone into effect. Many of the means and locations for aspiring voters to register have been closed, are inaccessible, or are out of reach on what ordinarily are some of the busiest voter registration days of the year.

6. Residents of Florida depend on the final days of the registration period to submit their applications for the upcoming elections, especially for presidential elections. Accordingly, a significant number of Floridians register to vote in the weeks, and especially days, leading up to the registration deadline. Organizations, such as the League of Women Voters of Florida and the Florida State Conference of the NAACP, have members spread all across Florida and they work tirelessly in those waning days to register voters.

7. This year, tens of thousands of Florida residents—forced to choose between safety and exercising their fundamental right—have been denied the

opportunity to register to vote. They will be deprived of that fundamental right because of the devastation caused by Hurricane Helene, the threat to safety caused by Hurricane Milton, and the resultant shutdown of all means of voter registration, including government offices, roads, the Internet, and the postal service *twice* within the last weeks leading up to the voter registration deadline.

8. Despite repeated advocacy from a broad coalition of voting rights organizations and Florida suffering back-to-back hurricanes at the very time when Floridians typically register to vote at their highest rate, Governor DeSantis has refused to extend the voter registration deadline.

9. Plaintiffs bring this lawsuit because Defendants have refused to take any action to protect the voting rights of Florida citizens who, due to the remaining impacts of Hurricanes Helene and the impending threat of Milton, are not able to register to vote by the October 7 voter registration deadline.

10. Left unaddressed by this Court, Defendants' failure to reopen the registration period will subject thousands of Floridians to an undue burden on their right to register and vote and to arbitrary and disparate treatment as compared to other qualified, Floridian voters.

## **JURISDICTION AND VENUE**

11. Plaintiffs bring this action under 42 U.S.C. §§ 1983 and 1988 to redress the deprivation under color of state law of rights secured by the United States Constitution.

12. This Court has original jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§ 1331 and 1343 because the matters in controversy arise under the Constitution and laws of the United States, because Plaintiffs bring this action to redress the deprivation, under color of State law, of rights, privileges, and immunities secured by the Constitution of the United States and federal law, and because Plaintiffs bring this action to secure equitable relief under federal law providing for the protection of voting rights.

13. This Court has personal jurisdiction over Defendants, who are sued in their official capacity only.

14. Venue is proper in this Court under 28 U.S.C. § 1391(b) because a substantial part of the events that gave rise to Plaintiffs' claims occurred in this judicial district.

15. This Court has the authority to enter a declaratory judgment and to provide preliminary and permanent injunctive relief pursuant to Rules 57 and 65 of the Federal Rules of Civil Procedure and 28 U.S.C. §§ 2201 and 2202.

## PARTIES

16. Plaintiff League of Women Voters of Florida, Inc. and League of Women Voters of Florida Education Fund (collectively LWVFL” or “the League”), formed under Section 501(c)(4) and Section 501(c)(3) of the Internal Revenue Code, respectively, are nonpartisan political organizations whose mission is to facilitate informed and active participation in government by encouraging the informed and active participation of citizens in government, including by registering citizens to vote and influencing public policy through education and advocacy. LWVFL has approximately 4,000 current dues-paying members in Florida and a list of more than 20,000 members, supporters, and volunteers, receiving regular communications from the League. LWVFL is a state affiliate of the national League of Women Voters.

17. The national League of Women Voters has conducted voter registration nationwide since 1920 and LWVFL has conducted voter registration in Florida since before 1939. LWVFL conducts voter registration drives in a variety of settings through the auspices of its local Leagues of Women Voters (“Local Leagues”), located in cities and counties throughout Florida, including Tallahassee and the counties impacted by Hurricane Helene. Local Leagues and individual League members also engage in voter registration activities on their own initiative, without assistance from LWVFL, collecting and submitting forms on their own.

18. Defendants' refusal to extend the voter registration deadline in the face of two catastrophic hurricanes occurring in the final days of the voter registration period has made it impossible or unduly difficult for many Floridians to register to vote by the October 7, 2024, deadline, directly harming LWVFL's mission to register and educate voters, and its members. It also prevents LWVFL from carrying out its core activity of registering Florida citizens to vote during the busiest registration days of the year. For instance, LWVFL cancelled several voter registration drives planned for October 7, the last scheduled day of voter registration, because of Hurricane Milton.

19. Plaintiff Florida State Conference of the NAACP ("FL NAACP") is a Black-led organization that is committed to raising awareness for political, educational, social and economic equality of minority groups in the electoral process. FL NAACP is made up of local Adult Branches, Youth Unites, and College Chapters. Founded in 1909, FL NAACP is the oldest civil rights organization in Florida, and the FL NAACP was the first state conference in the nation. FL NAACP has over 40 Branches across the State of Florida, and its 12,000 members are predominantly Black and other minority individuals and include registered voters who reside throughout the state.

20. Defendants' refusal to extend the voter registration deadline in the face of two catastrophic hurricanes occurring in the final days of the voter registration

period has made it impossible or unduly difficult for many Floridians to register to vote by the October 7, 2024, deadline, directly harming FL NAACPs' mission to protect the rights of its members and African American citizens.

21. Defendant RON DESANTIS is sued in his official capacity as Governor of the State of Florida. Defendant DESANTIS is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law. As Governor of Florida, Defendant Scott is the state's chief executive officer and is responsible for the administration of all state laws, including those pertaining to voter registration.

22. Defendant CORD BYRD is sued in his official capacity as Secretary of State for the State of Florida. Defendant Detzner is a person within the meaning of 42 U.S.C. § 1983 and acts under color of state law. Pursuant to Florida Statute § 97.012, the Secretary of State is the chief election officer of the State and is responsible for the administration of state laws on voting, including those pertaining to voter registration. His responsibilities include “[o]btain[ing] and maintain[ing] uniformity in the interpretation and implementation of the election laws” and “[p]rovid[ing] uniform standards for the proper and equitable implementation of the registration laws.” Fla. Stat. § 97.012.



## STATEMENT OF FACTS AND LAW

### **A. Voter Registration in Florida and the Importance of the Final Days of the Voter Registration Period.**

23. Florida does not offer same-day registration on election day. Rather, Floridians must complete their voter registration application online or complete a paper application and deliver it, either in person or by mail, to the office of the County Supervisor of Elections, the Florida Division of Elections, or a third-party voter registration agency. *See Fla. Stat. § 97.053.*

24. Yesterday, October 7, was the voter registration deadline for the upcoming general election on November 5, 2024. *See Fla. Stat. §§ 97.053, 97.055, 97.0555. See also, Fla. Dep't of St., Div. of Elections, 2024 Florida Voter Registration and Voting Guide, available at <https://files.floridados.gov/media/706369/voterregvotingguide-eng-2024-election-cycle-20230120-final.pdf> (last visited October 7, 2024).*

25. To register to vote, Florida's citizens must adhere to one of the following procedures: completing and submitting their application online through the Florida Voter Registration Application; completing and submitting their application online through the Department of Highway Safety and Motor Vehicles; completing and submitting their application either in person or by mail to any County Supervisor of Elections' office; completing and submitting their application in person through an electronic intake office that issues Florida driver licenses or

Florida identification cards; or completing and submitting their application in person at a designated voter registration agency. *Id.*

26. Florida residents are barred from exercising their right to vote if they do not meet the registration deadline, as Florida does not permit eligible voters to register to vote on Election Day. If a voter chooses to register in person, they must register by close of business. If the voter chooses to mail in their voter registration application, it must be postmarked, which is typically by close of business, on the last day of registration.

27. Registrations submitted in Florida in the week leading up to book closing typically account for 13 to 20 percent of new registrations in presidential years, according to a 2008 analysis. *See*, Plaintiffs' Memorandum of Law in Support of Plaintiffs' Emergency Motion for a Preliminary Injunction and Order to Show Cause, *League of Women Voters v. Scott*, et al. (Case No. 4:16-cv-00633 (N.D. Fl., Tallahassee Division, 2020)). Based on past voter registration data, the bulk of the registrations during that period are submitted in the final days of the voter registration period.

28. Consistent with that data, estimates from 2020 indicate that approximately 202,471 new voters were registered during the final 5 days of voter registration. *See* Fla. Dep't of St., Div. of Elections, Voter Registration Reports, <https://dos.fl.gov/elections/data-statistics/voter-registration-statistics/voter->

registration-reports/#:~:text=Voter%20Registration%20-%20By%20County%20and%20Party%20(year-to-date)%20%E2%80%93 (last visited Oct. 8, 2024). This is roughly as many voters registered in the preceding month—202,471 new voters registered in the last 5 days of voter registration compared to a total of 228,635 new registrants throughout the entire month of September.

29. Though more than half registered online (112,944), almost 40% of those newly registered did so either by mail, at the DMV or in person at the supervisor of elections offices.

30. Organizations such as the LWVFL ramp up their voter registration activities during the final days of the voter registration period, and members of organizations such as the FL NAACP prepare to register across the state of Florida.

**B. Hurricane Helene Significantly Interfered with and Disrupted Voter Registration in Affected Areas.**

31. On September 26, 2024, at 11:10 pm, Hurricane Helene made landfall near Perry, Florida, just east of the Aucilla River’s mouth. With winds reaching 140 mph, the Category 4 storm ranked among the most powerful to strike the United States. *See*, National Environmental Satellite, Data, and Information Service (NESDIS), *Hurricane Helene Makes Landfall in Florida* (Sept. 27, 2024) <https://www.nesdis.noaa.gov/news/hurricane-helene-makes-landfall->



*Helene's Destruction so Far*, The New York Times (Sept. 29, 2024) <https://www.nytimes.com/2024/09/29/us/helene-destruction-florida-north-carolina.html>. Much of Cedar Key, Florida was similarly flooded, with many residences destroyed. See Kevin Crowe, Anna Phillips, John Muyskens, and Brady Dennis, *These Six Places Saw Their Worst Storm Surge Ever During Helene*, The Washington Post, (Sept. 28, 2023) <https://www.washingtonpost.com/climate-environment/2024/09/28/helene-storm-surge-city-impact/>.

35. At 1:45 pm on Thursday, Florida was reporting just under 48,000 power outages across the state. By 11:45 pm, power outage maps showed more than 200,000 Florida residents without power in Pinellas County alone, and more than 900,000 statewide. See Gabe Hauari and Anthony Robledo, *Florida power outage map: Track outages after Hurricane Helene makes landfall Thursday*, USA Today, (Sept. 26, 2024) <https://www.usatoday.com/story/news/nation/2024/09/26/florida-power-outage-map/75382108007/>.

36. On October 3, 2024—four days after the storm's arrival in Florida--Defendant DeSantis issued a broad executive order addressing many of Helene's impacts across Florida's eleven "Affected Counties." Executive Order Number 24-212, Office of the Governor, State of Florida (Oct. 3, 2024) <https://www.flgov.com/wp-content/uploads/2024/10/EO-24-212.pdf>. In the order, Defendant DeSantis acknowledged that the Hurricane had "significantly affected

communities across Florida, resulting in loss of lives, evacuation of families from their homes, widespread destruction and damage to homes and businesses, significant disruption in utilities and telecommunications, and substantial physical damage to roads, highways, bridges a, and other critical infrastructure . . .” *Id.*

37. In the Order, Defendant DeSantis also recognized that Hurricane Helene impacted some parts of the state much more than others, noting that “the effects of Hurricane Helene have had a *uniquely significant* and continuing impact on Charlotte, Citrus, Dixie, Hernando, Hillsborough, Lee, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, and Taylor Counties (the Affected Counties) . . .” *Id.* (emphasis added).

38. Hurricane Helene occurred less than two weeks before the voter registration deadline in Florida. In affected areas of the state, for days, widespread and ongoing power outages prevented citizens from accessing voter registration forms online. Also, in affected areas of the state, supervisors of elections offices were closed starting from September 25 through to September 30.

39. For all practical purposes, due to widespread closures and power outages, voter registration was largely unavailable in numerous counties affected by Hurricane Helene between September 25 – September 27, and in a number of those counties, due to damage and displacement, access to voter registration was still significantly reduced well into the following week.

40. Hurricane Helene also forced organizations such as LWVFL, involved in promoting voter registration, to cancel planned voter registration drives. For example, in Leon County, LWVFL was forced to cancel 3 large community and campus events and several library events because of Helene. *See* Declaration of Cecile Scoon (Exhibit 3).

41. In Sanibel, Florida, in the wake of Hurricane Helene, LWVFL members had to reschedule an election related event they had planned for the week of September 23. Impacted by about 5 feet of storm surge across the island, one member commented, “[O]ur members are definitely not currently focused on the election.” *Id.*

42. On October 4, LWVFL, FL NAACP and other organizations supportive of voting rights sent a letter to the Governor and state officials expressing concerns about Hurricane Helene’s impact on Floridians’ ability to participate in the 2024 General Election. Specifically, the letter requested, among other things, that the Defendants “Extend the Voter Registration Deadline from October 7 to midnight on October 15 to allow affected citizens more time to register to vote.” The letter urged, “Floridians have lost homes and loved ones to Hurricane Helene, and voter registration will not have been a top priority in the immediate aftermath of the storm, even if they had planned to vote in the November election. No one should miss out on voting due to a national disaster.” *See* Letter to Governor DeSantis, et al. Re:

Emergency Actions to Ensure Voting Access after Hurricane Helene, October 4, 2024 (Exhibit 1).

43. The Florida Supervisors of Elections (FSE) also sent a letter to the Governor warning that “a significant number of early voting sites and polling locations have been damaged or otherwise rendered unusable, a significant number of voters have been displaced, and a significant number of poll workers may be unavailable for the foreseeable future.” See Mitch Perry, *DeSantis says he’s likely to allow supervisors of elections to make changes in light of Helene*, Florida Phoenix, (Oct. 2, 2024) <https://floridaphoenix.com/2024/10/02/desantis-says-hes-likely-to-allow-supervisors-of-elections-to-make-changes-in-light-of-helene/>.

44. Though the Governor did implement multiple emergency actions related to election administration, he notably failed short of extending the voter registration deadline.

**C. Even Though it Has Not Yet Arrived in Florida, Hurricane Milton Has Already Interfered with and Disrupted Voter Registration.**

45. Not even a week after Hurricane Helene had devastated the southeastern U.S., Florida was once again on high alert. Still reeling from Hurricane Helene, Florida is bracing for a second major storm—Hurricane Milton. Rick Davis, a meteorologist at the National Weather Service’s Tampa Bay office, commented, “This is a very serious situation. It’s going to affect a lot of people in the state of Florida.” Meghan Bartels, *Still Reeling from Hurricane Helene, Florida Braces for*



*Second Major Storm*, Scientific American (Oct. 7, 2024)  
<https://www.scientificamerican.com/article/hurricane-milton-spins-toward-florida-as-a-category-5-storm/>.

46. With Hurricane Milton rapidly approaching, Defendant DeSantis declared a state of emergency in 35 counties on Saturday, October 5, which he expanded to 54 counties shortly before the arrival of the storm on Monday, October 7. See C.A. Bridges, *Gov. DeSantis declared state of emergency for Hurricane Milton*, Tallahassee Democrat (Oct. 7, 2024)  
<https://www.tallahassee.com/story/news/hurricane/2024/10/07/desantis-state-of-emergency-florida-hurricane-milton/75550378007/>.

47. By midday yesterday, Hurricane Milton's maximum sustained winds were blowing at 175 miles per hour; the previous morning its winds had been just 65 miles per hour.

48. In speaking with CNN Monday, Tampa Mayor Jane Castor warned that there has never been a storm like Milton, and anyone staying in the mandatory evacuation zones risked their lives: "I can say without any dramatization whatsoever, if you choose to stay in one of those evacuation areas, you're going to die." See CNN, *'You're Going to Die': Tampa Mayor Issues Dire Warning About Staying in Milton Evacuation Zone*, (Oct. 7, 2024)  
<https://www.youtube.com/watch?v=PBuXst1yx2w>.

49. Yesterday—October 7—as the storm continued to intensify, state officials issued mandatory evacuation orders for several counties on Florida’s west coast, including Charlotte, Citrus, Hillsborough, Lee, Manatee, Pasco, Pinellas and Sarasota. Voluntary orders had also been given in Glades and Okeechobee counties. See Florida Division of Emergency Management, *Evacuation Orders*, <https://www.floridadisaster.org/evacuation-orders> (last visited Oct. 7, 2024) <https://www.floridadisaster.org/evacuation-orders/>.<sup>1</sup>

50. Florida Division of Emergency Management Director Kevin Guthrie publicly urged Floridians to comply with these orders, stating “If they have called for your evacuation order, I beg you, I implore you, to evacuate. Drowning deaths due to storm surge are 100% preventable if you leave.” See Cody Butler, *Florida leaders urge people to listen to evacuation orders ahead of Milton*, WCJB (Oct. 7, 2024) <https://www.wcjb.com/2024/10/07/florida-leaders-urge-people-listen-evacuation-orders-ahead-milton/>. Defendant DeSantis also urged those in affected areas to evacuate, stating, “You’re just not going to be able to beat Mother Nature. *Id.*”

51. And Florida residents, fearing for their safety, swiftly complied. A Florida Traffic Alert issued on October 7 at 3:28 pm noted that “motorists are experiencing significant traffic delays on I-75 and I-275 as residents evacuate ahead

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<sup>1</sup> As of the time filing, mandatory evacuation orders have been added for additional counties.

of Hurricane Milton.” See Liz Shultz, *Florida Traffic Alert: Heavy Congestion on I-75 and I-275 North Due to Hurricane Evacuations*, (Oct. 7, 2024) <https://www.msn.com/en-us/travel/news/florida-traffic-alert-heavy-congestion-on-i-75-and-i-275-north-due-to-hurricane-evacuations/ar-AA1rQGIP?ocid=BingNewsSerp>. At a press briefing the morning of October 8, Defendant opined, citing additional roadway openings, that Florida highways that usually experience a significant amount of traffic were even more congested than usual on Monday. He expressed, “Yesterday saw a lot of people on the road...it was about 150% more than what we would typically have...that resolved at about 1:00 am [Tuesday morning].” See C-SPAN, *Florida Gov. DeSantis Holds Hurricane Milton Briefing*, (Oct. 8, 2024) <https://www.c-span.org/video/?539034-1/florida-gov-desantis-holds-hurricane-milton-briefing#:~:text=October%208,%202024%20Florida%20Gov.%20DeSantis%20Holds%20Hurricane%20Milton>.

52. Hurricane Milton is compounding Helene’s effects, forcing the state’s residents to once again turn their attention to evacuation and storm preparation.

53. Seeing how disruptive preparing for the storms onslaught was becoming to the state’s registration efforts, yesterday morning, LWVFL, FL NAACP, and other voting rights organizations once again urged Governor DeSantis to take action to extend the voter registration deadline. In the press release, the

groups encouraged the Defendants and other state official to take Floridians' concerns seriously. They proclaimed, "It is unreasonable to expect people to focus on registering to vote with multiple storms wreaking havoc in Florida. Floridians who are still recovering from Hurricane Helene are today preparing for Milton; they can not and should not be expected to have to meet a voter registration deadline." *See Voting Rights Groups Call for Extension of Florida Voter Registration Deadline, October 7, 2024 (Exhibit 2).*

54. Understanding the impact that the storm would have on new voters, the release expressed, "It is unfair to disenfranchise newly arrived Floridians, people who have just reached the legal age to vote, and others who need to register to voter in Florida due to the impacts of natural disasters that are beyond their control." *Id.*

55. In the last few days and especially yesterday—the last day of voter registration—preparations for Hurricane Milton's arrival have completely disrupted voter registration activities in affected areas.

56. On October 7, Supervisor of Elections offices were working feverishly to try and meet the needs of voters seeking to register who were simultaneously impacted by the storms. The Taylor County Supervisor, still reeling from the impacts of Hurricane Helene, acknowledged that it was "hard to gather data on residents who could've registered but didn't." *See Matt Hoffmann and Chasity Maynard, FL and GA voters juggle back-to-back hurricanes on final day to register to vote, WCTV,*

(Oct. 7, 2024) <https://www.wctv.tv/2024/10/07/fl-ga-voters-juggle-back-to-back-hurricanes-final-day-register-vote/>.

57. At least one supervisor office was closed yesterday. According to the Lee County website, all Lee County elections offices will be closed Monday, October 7, 2024 through Thursday, October 10. *See* Lee County Elections at <https://www.lee.vote/> (last accessed on Oct. 8, 2024).

58. In affected areas, widespread school and university closings have interfered with voter registration efforts. For example, according to State Representative Anna Eskamani, “USF canceled all in-person classes today. This was going to be a major outreach day on college campuses for the VR (voter registration) deadline but back-to-back hurricanes, along w/the intensity of #Milton has dampened those efforts.”

59. Preparing for Hurricane Milton has forced many of LWVFL’s 29 chapters to cancel their voter registration efforts yet again. LWVFL local presidents in Hillsborough and Pasco noted, “Yes, we had an event scheduled for the University of Florida for today for the final day of registering to vote that was canceled because their campuses closed due to Milton. A panel event on voting scheduled for this evening at USF’s Honors College was also cancelled.” In Volusia County, Port Orange cancelled a major community event where they were scheduled to have a voter service table, as well as various voter education presentations. In the Tri-

Villages, LWVFL cited having to cancel a voter information event due to flooding, and a voter education presentation scheduled for Wednesday has also been canceled. *See* Declaration of Cecile Scoon (Exhibit 3).

60. Members of the FL NAACP, predominantly voters and registrants of color, are especially impacted throughout the state. Closures of clerk of courts and courthouses during Helene and ahead of Milton have impacted a variety of events that are necessary prerequisites to registering to vote, such as naturalization ceremonies and payment of all legal financial obligations by returning citizens.

61. In the areas most severely impacted by the two storms—such as Lee County or the western part of Manatee County where there are people unaccounted for and still have no access to USPS mail delivery—extreme damage to roads, homes, and the power grid make registering to vote exceptionally challenging.

**D. Ignoring the Disruptive Effect That Two Hurricanes Have Had on Voter Registration in Florida, Defendant DeSantis Has Chosen to Not Exercise His Discretion to Extend the Voter Registration Period.**

62. Defendant DeSantis has broad authority under Section 252.36((6)(a), Fla. Stat. to make election administration changes in the event of an emergency. Defendant DeSantis's predecessor, Gov. Rick Scott, extended the voter registration deadline for one day after Hurricane Michael plowed through the Florida panhandle and Defendant DeSantis extended voter registration until the day after the deadline in 2020 after the online voter registration portal crashed.

63. Today, Florida stands alone in its refusal to protect its voters. Other states, affected by natural disasters, including Hurricane Helene, have worked to expand and protect the franchise.

64. In the same breath in which he urged residents to evacuate and prepare for one of the largest hurricanes in decades, Defendant DeSantis refused to extend the voter registration deadline, choosing instead to force residents to choose where to focus their attention as the storm draws nearer: “People can register today. There is nothing inhibiting you from registering today.” Nothing could be further from the truth.

## **CLAIMS FOR RELIEF**

### **COUNT I**

#### **Undue Burden on the Right to Vote in Violation of the First Amendment and the Equal Protection Clause of the Fourteenth Amendment**

65. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

66. Under the First Amendment and the Equal Protection Clause of the Fourteenth Amendment, a court considering a challenge to a state election law must carefully balance the character and magnitude of the injury to First and Fourteenth Amendment rights that the plaintiff seeks to vindicate against the justifications put

forward by the state for the burdens imposed by the rule. *See Burdick v. Takushi*, 504 U.S. 428, 434 (1992); *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983).

67. The court “must weigh ‘the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate’ against ‘the precise interests put forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those interests make it necessary to burden the Plaintiffs’ rights.’” *Burdick*, 504 U.S. at 434 (quoting *Anderson*, 460 U.S. at 789).

68. Unless Plaintiffs are granted the relief requested, there is a strong likelihood that the right to vote of thousands of Floridians, including Plaintiffs’ members and constituents, will be severely burdened (if not eliminated entirely) in the 2024 general election.

69. Because of Hurricanes Helene and Milton, Floridians who would have registered to vote prior to the October 7 registration deadline have been displaced or otherwise prevented from registering, and, consequently, cannot register to vote by the deadline. Moreover, many offices offering in person voter registration and U.S. Postal Offices where voters can submit registration applications were closed yesterday and for at least two days during Hurricane Helene, preventing Floridians in areas impacted by the storms from timely submitting registration materials.



70. The State has not provided any colorable justification for its refusal to extend the voter registration deadline notwithstanding the consequences of Hurricanes Helene and Milton. In Florida, elections supervisors usually see a surge in voter registration shortly before the registration deadline. In the last presidential election year, over 200,000 voters registered in the month prior to the voter registration deadline. Nonetheless, the Governor has refused to extend the voter registration deadline.

71. The Governor of Florida has the authority to suspend “any regulatory statute prescribing the procedures for conduct of state business” if “strict compliance” would impede “necessary action in coping with” a declared emergency. Fla. Stat. 252.36(6)(a).

72. Other states impacted by Hurricane Helene, for example, including South Carolina, have extended voter registration deadlines to mitigate the consequences of the hurricane and afford voters a viable opportunity to register.

73. As a result, enforcing the October 7 voter registration deadline unfairly, severely, and disproportionately burdens the voting rights of Floridians in storm-affected areas, and the burdens imposed by the October 7 voter registration deadline, individually and collectively, outweigh any conceivable benefits of that deadline.

## COUNT II

### **Disparate Treatment in Violation of the Equal Protection Clause of the Fourteenth Amendment and 42 U.S.C. § 1983**

74. Plaintiff realleges and incorporates by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

75. The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution guarantees qualified voters a substantive right to participate equally with other qualified voters in the electoral process. Further, the equal right to vote that is protected by the Equal Protection Clause is protected in more than the initial allocation of the franchise; equal protection applies to the manner of its exercise as well. *See Bush v. Gore*, 531 U.S. 98, 104 (2000). Thus, a state may not arbitrarily impose disparate treatment on similarly situated voters.

76. As set forth above, the effect of the State's refusal to extend the voter registration deadline is to treat similarly situated Floridians differently.

77. Specifically, Floridians in inland areas not affected by Hurricanes Helene or Milton were able to register to vote until the October 7 deadline without impediment, because (among other reasons) they were not ordered to evacuate and they reside in areas where local government services remained available. In contrast, many Floridians in storm-affected areas have been either displaced or otherwise prevented from registering to vote as a result of Hurricanes Helene and Milton. And,

even if they attempted to register notwithstanding those barriers, the local government offices that they would need to access were closed as a result of the hurricane.

78. There is no rational basis for favoring voters in inland areas over voters in storm-affected areas with respect to the right to cast a ballot in the upcoming general election. This disparate treatment of Florida residents based solely upon the area in which they live is unfair and arbitrary, and the State has not and cannot set forth any valid justification for its disparate treatment of members of the electorate.

79. Based on the foregoing, Defendants, acting under color of state law, have deprived and will continue to deprive Plaintiffs and Florida voters of equal protection under the law secured to them by the Fourteenth Amendment to the United States Constitution and protected by 42 U.S.C. § 1983.

### **COUNT III**

#### **DECLARATORY AND INJUNCTIVE RELIEF 28 U.S.C. §§ 2201 and 2202, Fed. R. Civ. P. 57 and 65**

80. Plaintiffs reallege and incorporate by reference all prior paragraphs of this Complaint and the paragraphs in the counts below as though fully set forth herein.

81. This case presents an actual controversy because Defendants' present and ongoing refusal to allow Floridians an opportunity to register to vote

in the general election subjects Plaintiffs and their members and constituents to serious and immediate harms, warranting the issuance of a declaratory judgment.

82. Plaintiffs seek preliminary and/or permanent injunctive relief to protect its statutory and constitutional rights and avoid the injuries described above. A favorable decision enjoining Defendants from enforcing the October 7 voter registration deadline, and requiring Defendants to extend the period for submitting early voting plans, would redress and prevent the irreparable injuries to Plaintiffs and their members and constituents identified herein, for which Plaintiffs have no adequate remedy at law or in equity.

83. The Defendants will incur little to no burden in if the relief sought here is granted. Any minor administrative burden imposed on Defendants pales in comparison to the fundamental constitutional injury of denial of the right to vote that Plaintiffs and their members and constituents will suffer in the absence of the relief requested.

84. The public interest weighs strongly in favor of reopening the October 7 voter registration deadline, and the balance of hardships thus tips strongly in favor of Plaintiffs.

85. Concurrently with this filing, Plaintiffs have also filed an emergency motion for temporary restraining order in accord with Local Rule 7.1(L).

WHEREFORE, Plaintiffs respectfully request that this Court enter Judgment as follows:

- A. Ordering Defendants to reopen Florida's voter registration for at least ten (10) days.
- B. Preliminarily and permanently enjoining Defendants from enforcing the current October 7 voter registration deadline.
- C. Ordering Defendant Byrd to disseminate the injunction to all 67 supervisors and direct them to comply with all terms.
- C. Awarding Plaintiffs their costs, expenses, and reasonable attorneys' fees pursuant to, inter alia, 42 U.S.C. § 1988 and other applicable laws; and
- D. Granting such other relief as the Court deems just and proper.

Dated: October 8, 2024

Respectfully submitted,

/s/ Matletha Bennette

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*\*Pro hac vice motions forthcoming*

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