

IN THE CIRCUIT COURT OF THE 17<sup>TH</sup> JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

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THE FLORIDA DEMOCRATIC PARTY,      GENERAL JURISDICTION DIVISION

Plaintiff,

CASE NO.: \_\_\_\_\_

v.

Brenda Snipes, Supervisor of Elections of  
Broward County,

Defendant(s).

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**MOTION FOR *EX PARTE* INJUNCTIVE AND DECLARATORY RELIEF**

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Plaintiff the Florida Democratic Party (“FDP”) hereby moves this Court, pursuant to Rule 1.610 of the Florida Rules of Civil Procedure, for an Injunction compelling Defendant, Defendant’s officers, agents, servants, employees, attorneys, and all persons in active concert with them, to keep all polling places in this County open until 9:00 p.m. to allow voters a meaningful opportunity to cast their votes. This request is based upon the following facts: (1) due to failure of the EVID system at the polling place at Croissant Park Elementary School the mechanical equipment failed to function properly and as a result the polling place did not open until approximately 8:45am; (2) throughout the county, failure of the EVID system throughout the day has prevented voters from being able to update their address on the day of the election, as they are permitted to do by law, and have been asked to present themselves at the Supervisor of Elections office in order to update the address and return to the polling place at a later time to vote a regular ballot; (3) again throughout the county, due to the recent redistricting in Florida has caused confusion among Florida voters regarding their appropriate precinct and polling place causing them to present themselves at the improper polling place and poll workers at those polling places failed to provide accurate

information regarding the voters' appropriate polling place; and (4) a number of voters at precinct ZOO4 were issued new voter cards in January improperly listing their polling place as Z055. Each of these issues have deprived some voters of a meaningful opportunity to cast their vote. Some voters, who have presented themselves at the proper polling station and set aside time to vote, are unable to wait long enough to vote or are unable to return to the polling station during regular polling hours. Others, due to confusion caused by redistricting or improper information they received in the mail have presented themselves at the improper polling place and are unable to appear at the appropriate polling place during regular polling hours. In support of this Motion, Plaintiffs, through the accompanying Complaint, and supporting Memorandum of Law, show the following to the Court:

1. Immediate and irreparable injury or loss will result to voters in this County if Defendant is not compelled to keep the polls open until 9:00 p.m., to offer voters a reasonable and meaningful opportunity to exercise their right to vote;

2. Without immediate relief, FDP's interest in the fair and orderly administration of the election will be irreparably harmed;

3. This issue will become moot if not addressed immediately;

4. Pursuant to Fla. R. Civ. P. 1.610(a)(1), the undersigned certifies that notice of this emergency request for a temporary injunction is not required. The injury of which Plaintiff complains has already begun, is continuing, and can be effectively remedied only by immediate injunctive relief. If the Court does not immediately issue an order requiring Defendant to extend the voting hours, a number of Florida citizens' right to vote in the 2014 election will be forever lost. As a practical matter, there is simply no time to give notice and conduct an evidentiary hearing on the matter. Under these extreme and extraordinary circumstances, the issuance of an injunction without

notice to the adverse party is not only permissible but authorized by the Rule. Finally, Plaintiff would show that it has attempted to notify Defendant of these proceedings by serving a copy of all documents pertaining to this proceeding on Defendant Superintendent of Elections, Brenda Snipes, Broward County, by fax 954-357-7070. In all respects, the provisions of Fla. R. Civ. P. 1.610(a)(1) have been satisfied.

5. The court should not require a bond for the issuance of the requested injunction because (1) the injunction is requested solely to prevent “the abuse of a natural person” within the meaning of Fla. R. Civ. P. 1.610 (b), (2) Plaintiff’s need for relief is urgent and immediate, and (3) any economic consequences to Defendant as a result of the wrongful issuance of the injunction would be purely incidental and nominal.

WHEREFORE, Plaintiff requests that this Court enter an immediate Injunction to compel Defendant, Defendant’s officers, agents, servants, employees, attorneys, and all persons in active concert with them (collectively, “Election Personnel”) (a) to keep open all polling places in this County until 9:00 p.m. on November 4, 2014, immediately notifying and directing all Election Personnel to continue to allow voters to vote and to continue to perform all the same duties performed in accordance with the same conditions that apply during regular hours; (b) to ensure that all votes received until 9:00 p.m., November 4, 2014, are accepted and tabulated among all the votes being counted for all applicable national, state, and local elections; (c) to notify immediately and continuously, on at least hourly intervals, all media with substantial coverage in the County, including those that communicate through television, radio or the internet, all poll watchers and poll workers, and representatives of the political parties and the candidates appearing on the ballot, that the hours for voting have been extended until 9:00 p.m., November 4, 2014; and (d) to notify the public that all eligible voters who have not yet voted are permitted and encouraged to come to the

polls by 9:00 p.m., November 4, 2014. Plaintiff also requests that the Court grant declaratory relief determining that the legal and constitutional imperatives of Florida law require that the polling place hours be extended until 9:00 p.m., November 4, 2014, so that the right to vote upon terms that are meaningful is fully protected. Finally, Plaintiff requests such other and further relief as may be just under the circumstances.

Respectfully submitted,

Dated: November 4, 2014

**ATTORNEY**  
Street address  
City, State Zip  
Phone: (000) 555-0000  
Fax: (000) 555-0000

By: \_\_\_\_\_

Attorney, Esq.  
Florida Bar No.: \_\_\_\_\_

*Attorney for Plaintiff*

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**CERTIFICATE OF SERVICE**

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I HEREBY CERTIFY that the foregoing Verified Emergency Complaint for Injunctive and Declaratory Relief was served by facsimile or e-mail to:

By: