

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

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

Plaintiffs,

v.

LAUREL M. LEE, in her official
capacity as Florida Secretary of State,
et al.,

Defendants,

and

REPUBLICAN NATIONAL
COMMITTEE, and NATIONAL
REPUBLICAN SENATORIAL
COMMITTEE,

Intervenor-Defendants.

Case No.: 4:21-cv-186-MW/MAF
4:21-cv-187-MW/MAF
4:21-cv-201-MW/MAF
4:21-cv-242-MW/MAF

JOINT MOTION TO CONSOLIDATE CASES FOR TRIAL

Plaintiffs League of Women Voters of Florida, Inc., League of Women Voters of Florida Education Fund, Inc., Black Voters Matter Fund, Inc., Florida Alliance for Retired Americans, Inc., Cecile Scoon, Susan Rogers, Dr. Robert Brigham, and Alan Madison (collectively, "*League* Plaintiffs"); Plaintiffs Florida State Conference of Branches and Youth Units of the NAACP, Disability Rights Florida, and Common Cause (collectively, "*NAACP* Plaintiffs"); Plaintiffs Harriet Tubman Freedom Fighters, Corp. ("*HTFF* Plaintiff"); Plaintiffs Florida Rising Together,

Poder Latinx, UnidosUS, Equal Ground Education Fund, Hispanic Federation, Haitian Neighborhood Center Sant La, and Mi Familia Vota Education Fund (collectively, “*Florida Rising* Plaintiffs”); Defendant Laurel M. Lee, in her official capacity as the Florida Secretary of State; Defendant Ashley Moody, in her official capacity as the Florida Attorney General; all 67 Florida counties’ Supervisors of Elections, in their official capacities as supervisors of elections; and Intervenor-Defendants Republican National Committee and the National Republican Senatorial Committee (collectively, the “Parties”), pursuant to Rule 42(a), Federal Rules of Civil Procedure, respectfully request that the Court consolidate for trial *League of Women Voters et al. v. Lee, et al.*, No.: 4:21-cv-00186 (N.D. Fla.), *NAACP, et al. v. Lee, et al.*, No.: 4:21-cv-00187, *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201 (N.D. Fla.), and *Harriet Tubman Freedom Fighters, Corp. et al. v. Lee, et al.*, No.: 21-cv-242 (N.D. Fla.) under the lowest numbered case, *League of Women Voters*, No.: 4:21-00186, and as grounds for such relief state:

1. All four of the above-referenced cases challenge Florida Senate Bill 90 (2021), An Act Relating to Elections, 2021 Fla. Sess. Law Serv. ch. 2020-11 (West) (“SB 90”) and have overlapping issues of law and fact. For example, Plaintiffs in each case challenge one or more of the following provisions of SB 90: (1) pertaining to the return of vote-by-mail ballots to drop boxes and requiring an employee of the Supervisor of Elections’ office to continuously monitor in person any secure drop

box, Fla. Stat. §101.69; (2) reducing the number of election cycles for which a request to vote-by-mail is good from two election cycles to every general election cycle, Fla. Stat. § 101.62(1)(a); (3) requiring specific forms of identification that match the form used by the voter in the state voter registration system to request a vote-by-mail ballot, Fla. Stat. § 101.62(1)(b); (4) prohibiting “any activity with the intent to influence or effect of influencing a voter” within 150 feet of a drop box or the entrance to any polling place, Fla. Stat. § 102.031(4)(a)-(b); (5) requiring third-party voter registration organizations to provide warnings and alternative registration means to voter registration applicants, Fla. Stat. § 97.0575(3)(a); and (6) requiring third-party voter registration organizations to submit completed registrations to the county where the applicant resides, Fla. Stat. § 97.0575(3)(a).

2. All four cases were consolidated for discovery purposes (ECF No. 92), and the Parties have agreed that documents produced in one or more of the above-referenced cases may be used in each case as if produced in that case. With few exceptions, in the depositions set by Plaintiffs, counsel for each set of Plaintiffs attended each deposition in the consolidated cases and relied, at least in part, on questioning performed by one or more of the other Plaintiffs.

3. The Court reserved ruling on the question of consolidation for trial until after the completion of discovery. *Id.* The Parties have conferred and agree that consolidation of all four cases for trial would allow for more streamlined

proceedings and reduce the amount of witness questioning that would occur in separate trials. And, as a practical matter, a single consolidated trial will also permit the Parties to plan more efficiently for trial, avoid duplication, streamline trial presentation, and more easily address witness scheduling conflicts. Accordingly, the Parties all join in requesting consolidation of all four cases for trial.

MEMORANDUM IN SUPPORT

This Court has discretion to consolidate actions that involve “common question[s] of law and fact.” Fed. R. Civ. P. 42(a). Each of these actions challenge several provisions of SB 90 on either constitutional or statutory grounds or both. *Compare* Corrected First Amended Complaint, *League of Women Voters et al. v. Lee, et al.*, No.: 21-cv-00186 (N.D. Fla.) (ECF No. 160) (challenging provisions of SB 90 under the First and Fourteenth Amendments to the U.S. Constitution) *with* First Amended Complaint, *NAACP, et al. v. Lee, et al.*, No.: 4:21-cv-00187-MWMAF (N.D. Fla.) (ECF No. 45) (challenging provisions of SB 90 under the First, Fourteenth, and Fifteenth Amendments to the U.S. Constitution, Sections 2 and 208 of the Voting Rights Act, and Title II of the Americans with Disabilities Act); Amended Complaint, *Florida Rising Together, et al. v. Lee, et al.*, No.: 4:21-cv-00201-AW-MJF (N.D. Fla.) (ECF No. 59) (challenging provisions of SB 90 under the First, Fourteenth, and Fifteenth Amendments to the U.S. Constitution and Sections 2 and 208 of the Voting Rights Act) *and* Amended Complaint, *Harriet*

Tubman Freedom Fighters, Corp. et al. v. Lee, et al., No.: 21-cv-242 (N.D. Fla.) (ECF No. 44) (challenging provisions of SB 90 under the First and Fourteenth Amendments). The Defendants involved in all four cases are substantially the same, Secretary Lee is named as a Defendant in all four cases, and the 67 Supervisors of Elections are named as Defendants in three of the four cases. Common questions of law and fact permeate all four actions, and consolidation would therefore further judicial economy.

LOCAL RULES CERTIFICATION

Pursuant to Rule 7.1(F) of the Local Rules of this Court, undersigned counsel, Frederick S. Wermuth, certifies that this report contains 904 words, excluding the case style and certifications.

Respectfully submitted this 30th day of November, 2021.

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I HEREBY CERTIFY that on November 30, 2021 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel in the Service List below.

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