

**UNITED STATES DISTRICT COURT FOR THE
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.

Case No. 4:21-cv-00186-MW-MAF

DEFENDANT CHRISTINA WHITE’S TRIAL BRIEF ON ORGANIZATIONAL STANDING

Defendant Christina White, in her official capacity as Supervisor of Elections for Miami-Dade County (“Supervisor White”), hereby files this legal briefing in response to this Court’s order on February 4, 2022, which requested legal briefing on three questions regarding the organizational Plaintiffs’ standing (ECF No. 546).

As an initial matter, Supervisor White notes that, although this Court requested this briefing in preparation for anticipated motions under Fed. R. Civ. P. 52(c), Supervisor White is not yet certain that she will make a motion that would touch upon the topics requested in the Court’s Order. But she nevertheless provides this briefing to assist this Court with its “independent obligation to assure that standing exists, regardless of whether it is challenged by any of the parties.” *Summers v. Earth Island Institute*, 555 U.S. 488, 497 (2009).

I. Whether this Court’s analysis of associational standing differs, if at all, when an organization has only “constituents” rather than traditional, individual members

a. Controlling Authority

Hunt v. Washington State Apple Advertising Com'n, 432 U.S. 333, 344 (1977) (organizations have standing to sue on behalf of injured constituents if those constituents “possess all of the indicia of membership in an organization”).

b. Persuasive Outside Authority

Disability Advocates, Inc. v. New York Coalition for Quality Assisted Living, Inc., 675 F.3d 149, 159 (2d Cir. 2012) (“the Constitution requires that the constituents of a non-membership organization manifest the “indicia of membership” for that organization to have associational standing to sue on their behalf.”) (citing *Hunt*, 432 U.S. at 344).

II. What an organization must demonstrate for associational standing if the organization does not have individual members and/or constituents testify about any injury to those individual members and/or constituents

a. Controlling Authority¹

Summers v. Earth Island Inst., 555 U.S. 488, 499 (2009) (holding that precedent has “required plaintiffs claiming an organizational standing to identify members who have suffered the requisite harm”)

¹ The authorities provided below are in addition to those provided in response to the Court’s first inquiry.

National Alliance for Mentally Ill, St. Johns Inc. v. Board of County Commissioners of St. Johns County, 376 F.3d 1292 (11th Cir. 2004) (an association seeking to sue on behalf of its constituents must show that one of its constituents had standing to sue particularly where the information to ascertain the individual's identity was available to the organization)

III. Whether a diversion-of-resources injury exists when the diversion involves an organization's time, separate and apart from an organization's funds

Supervisor White does not contest that a diversion of resources injury exists when the diversion involves an organization's time, separate and apart from an organization's funds. *See Arcia v. Fla. Sec'y of State*, 772 F.3d 1335, 1341 (11th Cir. 2014).

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served to all counsel of record through the Court's CM/ECF system on February 7, 2022.

/s/ Michael B. Valdes

Michael B. Valdes
Assistant County Attorney