

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

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

Plaintiffs,

v.

**Case No.: 4:21cv186-MW/MAF
4:21cv187-MW/MAF
4:21cv201-MW/MJF
4:21cv242-MW/MAF**

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

Defendants,

and

**NATIONAL REPUBLICAN
SENATORIAL COMMITTEE and
REPUBLICAN NATIONAL
COMMITTEE,**

Intervenor-Defendants.

**FINAL RULING ON THE ADMISSION
OF SENATOR MICHAEL BENNETT'S STATEMENT**

In ECF No. 592, this Court admitted the statement of Defendant Michael Bennett that was discussed in Dr. Kousser's expert report, ECF 467-13 ¶ 71, over the objections interposed by Defendants at trial. After admitting Bennett's statement, this Court explained that the statement could be marginally relevant if Plaintiffs showed that it was somehow tied to SB 90's passage and invited further argument.

Cf. Greater Birmingham Ministries v. Sec’y of State, 992 F.3d 1299, 1323 (11th Cir. 2021). Both Defendants and Plaintiffs have filed additional papers addressing the issue. ECF No. 602; ECF No. 621.

Now, this Court determines that, as to the contemporaneous statements factor under *Arlington Heights*, Plaintiffs have not pointed to sufficient connective tissue linking Bennett’s statement to SB 90’s passage. Accordingly, this Court will not consider Bennett’s statement as a contemporaneous statement in its *Arlington Heights* analysis. The statement, however, remains marginally relevant as it relates to the historical background considerations that factor into several of Plaintiffs’ claims. Thus, this Court will consider the statement for that purpose only.

SO ORDERED on February 16, 2022.

s/Mark E. Walker
Chief United States District Judge