

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

FLORIDA STATE CONFERENCE
OF THE NAACP, *et al.*,

Plaintiffs,

Case No. 4:21-cv-00187-MW/MAF

v.

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.

**SUPERVISORS HAYS AND DOYLE'S
RESPONSE TO ORDER TO SHOW CAUSE**

Supervisors Hays and Doyle respectfully present this response to the Court's
Order to Show Cause. ECF No. 295.

This Court recently determined that the Supervisors of Elections are the only proper defendants to the plaintiffs' challenges to sections 101.62 and 102.031 of the Florida Statutes. ECF No. 249. The Court made clear the Supervisors must "default or defend," but may "coordinate their defense of the law with the Secretary of State." ECF No. 248 at 3.

Supervisors Hays and Doyle coordinated their defense with the Secretary and, along with the Secretary, filed a joint motion for summary judgment. ECF No. 285. Supervisors Hays and Doyle were themselves movants in their own right—distinct from the Secretary—with respect to Parts I through IV.H. of the motion. They were identified as movants in the motion and in the accompanying memorandum of law, ECF No. 285 at 1; ECF No. 285-1 at 8, and their counsel signed the motion on their behalf.

The Supervisors moved for summary judgment of their own accord, pursuant to Federal Rule of Civil Procedure 56 and Local Rule 56.1, and not in deference to the Secretary's position as the State's chief election officer. ECF No. 295 at 2. The Supervisors would have filed the motion, to the extent of Parts I through IV.H., even if the Secretary had not. The Supervisors endeavored to present a defense of sections 101.62 and 102.031 in a manner they believed was consistent with the Court's earlier orders.

Supervisors Hays and Doyle did not submit a notice of joinder in the motion because they are themselves movants. Nor did the Secretary file one on their behalf, apart from filing the motion itself.

If the Court does not permit the Secretary to proceed as a movant for summary judgment as to sections 101.62 and 102.031, then, as proper defendants, Supervisors Hays and Doyle respectfully request the Court nevertheless to consider at least Parts I through IV.H. of the motion, which are no less their arguments than the Secretary's. Moreover, if the Court is so inclined, Supervisors Hays and Doyle will readily refile the motion, consisting of Parts I through IV.H., in a form that includes no additional movants besides themselves.

Finally, as to the Secretary's approach to the motion for summary judgment, the Supervisors respectfully refer the Court to the Secretary's response to the Court's Order to Show Cause.

Respectfully submitted this thirtieth day of November 2021.

/s/ Andy Bardos
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