#### IN THE SUPREME COURT OF FLORIDA

BLACK VOTERS MATTER CAPACITY BUILDING INSTITUTE, INC., et al.,

Petitioners,

v.

CORD BYRD, in his official capacity as Florida Secretary of State, the FLORIDA SENATE, and the FLORIDA HOUSE OF REPRESENTATIVES,

Respondents.

Case No.: SC23-1671 L.T. No.: 1D23-2252

2022-ca-000666

# UNOPPOSED TIME-SENSITIVE MOTION TO EXPEDITE JURISDICTIONAL BRIEFING

Under Florida Rule of Appellate Procedure 9.300, Petitioners respectfully request that this Court expedite jurisdictional briefing in this action, and in support state:

On December 1, 2023, the First DCA issued a decision reversing the Second Judicial Circuit Court's September 2, 2023 Final Order and Judgment finding that Florida's current congressional map violates Article III, Section 20(a) of the Florida Constitution. In so finding, the First DCA rejected the Parties' joint request for pass-through jurisdiction to this Court—filed September 8, 2023. The

Parties sought pass through jurisdiction because this appeal requires immediate resolution by this Court to provide certainty to voters, potential candidates, and elections officials regarding the configuration and validity of Florida's congressional districts sufficiently in advance of the 2024 elections.

Despite the First DCA's intervening decision, the need for this Court's review is just as urgent now as it was in September. Thus, Petitioners respectfully request that this Court expedite jurisdictional briefing in this case by requiring Respondents to file their responses to Petitioners' jurisdictional brief no later than December 29, 2023. Respondents consent to expedited briefing by this date.

Dated: December 13, 2023

Respectfully submitted,

/s/Frederick S. Wermuth
Frederick S. Wermuth
Florida Bar No. 0184111
Thomas A. Zehnder
Florida Bar No. 0063274
Quinn B. Ritter
Florida Bar No. 1018135
KING, BLACKWELL, ZEHNDER
& WERMUTH, P.A.
P.O. Box 1631
Orlando, Florida 32802
Telephone: (407) 422-2472

Abha Khanna\*
ELIAS LAW GROUP LLP
1700 Seventh Avenue
Suite 2100
Seattle, WA 98101
Telephone: (206) 656-0177
Facsimile: (206) 656-0180
akhanna@elias.law

Christina Ford Florida Bar No. 1011634 Jyoti Jasrasaria\* Facsimile: (407) 648-0161 fwermuth@kbzwlaw.com tzehnder@kbzwlaw.com qritter@kbzwlaw.com

Counsel for Petitioners

ELIAS LAW GROUP LLP 250 Massachusetts Ave NW Suite 400 Washington, D.C. 20001 Phone: (202) 968-4490 Facsimile: (202) 968-4498

cford@elias.law

jjasrasaria@elias.law

Counsel for Petitioners

\*Admitted Pro Hac Vice

#### CERTIFICATE OF CONFERRAL

Under Florida Rule of Appellate Procedure 9.300(a), Petitioners certify that they have consulted Respondents' counsel regarding this motion and can represent that Respondents consent to the relief sought.

## **CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on December 13, 2023, a copy of the foregoing was filed via electronic means through the Florida Courts E-Filing portal and was served via electronic mail on the parties listed below.

## **CERTIFICATE OF COMPLIANCE WITH RULE 9.210**

Pursuant to Florida Rule of Appellate Procedure 9.210(a)(2)(A), the undersigned certifies that this Brief on Jurisdiction complies with the word limit and contains 190 words.

/s/ Frederick S. Wermuth Frederick S. Wermuth Florida Bar No. 0184111

Counsel for Petitioners

#### SERVICE LIST

Bradley R. McVay Ashley Davis David Chappell Christopher DeLorenz Joseph S. Van de Bogart Florida Department of State R.A. Gray Building 500 South Bronough Street Tallahassee, FL 32399 brad.mcvay@dos.myflorida.com ashley.davis@dos.myflorida.com david.chappell@dos.myflorida.com christopher.delorenz@eog.myflorida. com joseph.vandebogart@dos.myflorida.c om

Mohammed O. Jazil
Michael Beato
Chad E. Revis
Holtzman Vogel Baran Torchinsky
& Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
mjazil@holtzmanvogel.com
mbeato@holtzmanvogel.com
crevis@holtzmanvogel.com

Henry C. Whitaker
Daniel W. Bell
Jeffrey P. DeSousa
Office of the Attorney General
The Capital, PL-01
Tallahassee, FL 32399
henry.whitaker@myfloridalegal.com
daniel.bell@myfloridalegal.com
jeffrey.desousa@myfloridalegal.com

Counsel for Florida Secretary of State

Daniel E. Nordby Shutts & Bowen LLP 215 S. Monroe Street Suite 804 Tallahassee, FL 32301 ndordby@shutts.com

Kyle E. Gray
Deputy General Counsel of the
Florida Senate
302 The Capitol
404 South Monroe Street
Tallahassee, FL 32399
gray.kyle@flsenate.gov

Counsel for Florida Senate

Andy Bardos, Esq. GrayRobinson, P.A. 301 S. Bronough Street Suite 600 Tallahassee, FL 32302 andy.bardos@gray-robinson.com

Counsel for the Florida House of Representatives