

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

VOTE.ORG; FLORIDA ALLIANCE  
FOR RETIRED AMERICANS;  
FLORIDA STATE CONFERENCE OF  
BRANCHES AND YOUTH UNITS OF  
THE NAACP; and DISABILITY  
RIGHTS FLORIDA,

*Plaintiffs,*

v.

No. 4:23-cv-00111-AW-MAF

CORD BYRD, in his official capacity as  
Secretary of State of Florida, et al.,

*Defendants,*

REPUBLICAN NATIONAL  
COMMITTEE and REPUBLICAN  
PARTY OF PASCO COUNTY,

*Intervenor-Defendants.*

**INTERVENORS' MOTION FOR LEAVE TO FILE A REPLY**

The United States recently filed a Statement of Interest opposing Intervenor's Motion to Dismiss the Amended Complaint (Doc. 118). The Secretary of State and several Supervisors of Elections moved to strike the Statement of Interest or, in the alternative, for leave to respond. (Doc. 121). This Court granted that motion to the extent that it allowed the movants to file a reply to the United States' Statement of Interest by July 29, 2019. (Doc. 122). Intervenor—the Republican National Committee and Republican Party of Pasco County—request that this Court also grant them leave to reply to the United States' Statement of Interest.

## ARGUMENT

1. Intervenors filed a motion to dismiss Plaintiffs' First Amended Complaint on June 26, 2023. (Doc. 111).

2. The United States filed a Statement of Interest opposing Intervenors' Motion to Dismiss on July 10, 2023 (Doc. 118)—the same day that Plaintiffs filed their Opposition to Intervenors' Motion to Dismiss (Doc. 119).

3. The United States' Statement of Interest disputes several arguments raised by Intervenors in support of their motion to dismiss, including Intervenors' argument that a plaintiff must plead racial discrimination to prevail under the materiality provision of the Civil Rights Act of 1964 (Doc. 118 at 14-18), that the materiality provision does not displace state-law requirements (Doc. 118 at 21-27), that the requirement of an original signature does not deny any individual the right to vote (Doc. 118 at 27-30), and the argument, joined by Intervenors, that Plaintiffs lack a private right of action (Doc. 118 at 6-13).

4. This Court "may grant leave to file a reply memorandum in support" of a motion to dismiss "in extraordinary circumstances." Local Rule 7.1(I).

5. This Court has granted leave to file a reply where it "will aid in consideration of the issues," *American Civil Liberties Union of Florida Inc. v. Dixie County Florida*, 570 F. Supp. 2d 1378, 1380 (N.D. Fla 2008), and where the "complex nature" of the legal issues warrants further briefing, *Conley v. Northwest Florida State College*, 145 F. Supp. 3d 1073, 1074 n.1 (N.D. Fla. 2015).

6. In addition, courts routinely permit additional briefing to address arguments raised by the United States in a Statement of Interest. *See, e.g., Soltan v. El Beblawi*, No. 20-1437, 2021 WL 4243409, at \*7 (D.D.C. Sept. 17, 2021); *Druding v. Care Alternatives, Inc.*, 164 F. Supp. 3d 621, 626 (D.N.J. 2016); *Lempert v. Rice*, 956 F.Supp.2d 17, 20 (D.D.C. 2013).

7. Extraordinary circumstances warrant a reply. A reply is necessary to permit Intervenor to respond to the position of the United States, which it presented for the first time in a statement of interest filed after Intervenor's motion to dismiss. A reply would also aid the Court in its consideration of issues raised in this case and addressed in the United States' Statement of Interest.

8. This Court has granted leave to other motion-to-dismiss movants to reply to the United States Statement of Interest. (Doc. 122) But in addition to addressing the arguments of those movants, several of the United States arguments specifically respond to Intervenor. (Doc. 118 at 14-18, 21-27, 27-30).

9. Counsel for Intervenor conferred with counsel for the United States, Plaintiffs, and Defendants regarding this motion. The United States does not oppose the motion. Plaintiffs take no position on the motion. The Secretary of State consents to the motion. The Supervisors of Elections for Baker County, Bay County, Bradford County, Brevard County, Calhoun County, Charlotte County, Collier County, Columbia County, DeSoto County, Dixie County, Flagler County, Franklin County, Gadsden County, Gilchrist County, Gulf County, Hamilton County, Highlands County,

Indian River County, Jackson County, Jefferson County, Lafayette County, Lake County, Lee County, Liberty County, Madison County, Manatee County, Marion County, Monroe County, Nassau County, Pasco County, Putnam County, Santa Rosa County, Seminole County, St. Johns County, Sumter County, Suwannee County, Taylor County, Union County, Wakulla County, Walton County, and Washington County have no objection to the motion. The Supervisors of Election for Alachua County, Clay County, Hernando County, Leon County, Martin County, Miami-Dade County, Okaloosa County, Osceola County, Palm Beach County, Polk County, and St. Lucie County take no position on the motion. At the time of this filing, Intervenors had not heard back from the other defendants.

For the foregoing reasons, Intervenors respectfully request leave to file a reply addressing the arguments raised in the United States' Statement of Interest.

Dated: July 20, 2023

Respectfully submitted,

/s/ Daniel E. Nordby

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**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(F)**

This document contains 729 words, excluding what can be excluded under the Local Rules.

/s/ Daniel E. Nordby

**CERTIFICATE OF SERVICE**

I e-filed this document, which will serve all parties whose counsel have entered appearances. Those parties who have not yet appeared will be served via email.

/s/ Daniel E. Nordby

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