

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT
IN AND FOR LEON COUNTY, FLORIDA**

**VONDA THOMPSON-WYNN; GINO
VACCARI; EMMA JANE RUBINI;
SHELBY MCGUIRE-SMITH; MARK
TABER; and SAIGE WISBY,**

Plaintiffs,

v.

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

Defendants.

Case No. 2026-ca-000925

PLAINTIFFS' EMERGENCY MOTION FOR TEMPORARY INJUNCTION

Pursuant to Florida Rule of Civil Procedure 1.610, Plaintiffs Vonda Thompson-Wynn, Gino Vaccari, Emma Jane Rubini, Shelby McGuire-Smith, Mark Taber, and Saige Wisby, for the reasons set forth in this motion and the concurrently filed memorandum of law, affidavits and exhibits submitted therewith, and the allegations set forth in the previously filed Complaint, respectfully move for an order temporarily enjoining Defendants and their agents, officers, employees, and successors from administering, preparing for, or moving forward in the 2026 election with the enforcement of the congressional districts as drawn in H.B. 1-D, passed by the Legislature on April 29, 2026 and signed into law by Governor DeSantis on May 4, 2026 (the "2026 Plan"). Plaintiffs respectfully request that their emergency motion be heard with the related motion for temporary injunctive relief in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, scheduled for hearing May 15 at 10:00 A.M. before this Court.

A temporary injunction is appropriate here because Plaintiffs are substantially likely to succeed on the merits of their claims that the 2026 Plan was 1) drawn with the intent to favor or disfavor a political party in violation of Article III, Section 20(a) of the Florida Constitution, 2) drawn with the intent to favor or disfavor incumbents in violation of Article III, Section 20(a) of the Florida Constitution, and 3) not drawn to utilize existing political and geographic boundaries where feasible in violation of Article III, Section 20(b) of the Florida Constitution.

The redistricting requirements in Florida's Constitution are clear and binding. In 2010, the people of Florida passed the Fair Districts Amendments ("FDA") to "eliminate the age-old practice of partisan political gerrymandering—where the political party and representatives in power manipulate the district boundaries to their advantage." *League of Women Voters of Fla. v. Detzner*, 172 So. 3d 363, 369 (Fla. 2015). To accomplish this purpose, the FDA added to the state Constitution two tiers of requirements that govern the drawing of congressional districts in the state. Tier I prohibits drawing districts with the intent to favor or disfavor any political party or incumbent, Article III, § 20(a), Fla. Const., and Tier II includes the requirement of utilizing existing political and geographic boundaries where feasible. Article III, § 20(b), Fla. Const. Failure to adhere to the Tier II requirements is both an independent constitutional violation and further evidence of a violation of the Tier I requirements. *In re Senate Joint Resol. of Legis. Apportionment 1176*, 83 So. 3d 597, 639, 640 (Fla. 2012) ("*Apportionment I*") ("the extent to which the Legislature complies with the sum of Florida's traditional redistricting principles" in Tier II "serves as an objective indicator of the impermissible legislative purpose proscribed under tier one (*i.e.*, intent to favor or disfavor a political party or an incumbent))" (citation omitted).

The 2026 Plan plainly violates the FDA. The 2026 Plan was drawn with the clear intent to "crack" and "pack" Democratic voters and harm Democratic incumbents in districts across the

state in an attempt to gain four new congressional seats for Republicans and to shore up Republican vote-share in others. Memorandum for Temporary Injunctive Relief (“TI Mem.”) at 2-11, 15-33. The drawing of the 2026 Plan took place amidst an ongoing partisan gerrymandering war occurring in states across the country ahead of the 2026 Midterm elections. Moreover, the aims of the 2026 Plan were not hidden: Governor DeSantis released a partisan-shaded version of his map, and then unilaterally announced that the 2026 Plan need not comply with any portion of the FDA—including its prohibition on partisan gerrymandering. *Id.* Then, the map drawer openly admitted to using partisan data in the drawing of every district. *Id.* at 13. The Legislature fully adopted the 2026 Plan as its own, making no amendments and forging ahead despite being aware of the map’s intent and effect. *Id.* at 14-15. And the 2026 Plan’s partisan effect and negative impact on Democratic incumbents is extreme—it reduces by half the number of Democratic districts, and shifts millions of Floridians between districts, contorting them in the process, to achieve partisan gain. *Id.* at 22-31.

In addition, the 2026 Plan violates the FDA’s requirements to utilize existing political and geographic boundaries where feasible. The 2026 Plan unnecessarily splits political subdivisions, including cities and counties, unjustified by any other requirements in the Florida Constitution. *Id.* at 31-34, 43-46. The 2026 Plan also utilizes fewer existing boundaries as measured by the Legislature’s own metric. *Id.*

As a result, Plaintiffs are substantially likely to succeed on their claims against the 2026 Plan. Moreover, Plaintiffs will be irreparably harmed and lack an adequate remedy at law if the 2026 elections proceed using the unconstitutional 2026 Plan—absent temporary relief, Plaintiffs will suffer severe constitutional harm with no legal remedy. *Id.* at 46-48. *League of Women Voters of Florida, Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1223-24 (N.D. Fla. 2018) (holding that “once

the election comes and goes, ‘there can be no do-over and no redress’) (internal quotations omitted). Further, temporary injunctive relief is in the public interest. TI Mem. at 48-49. Floridians overwhelmingly voted to prohibit the exact partisan gerrymandering which infects the unconstitutional 2026 Plan, and “[t]he vindication of constitutional rights . . . serves[s] the public interest almost by definition.” *Detzner*, 314 F. Supp. 3d at 1224 (internal quotations omitted).

Moreover, this Court has the power to order temporary relief, and doing so is feasible without undue hardship on Defendants. TI Mem. at 49-50; *Byrd v. Black Voters Matter Capacity Bldg. Inst., Inc.*, 339 So. 3d 1070 (Fla. 1st DCA 2022). This is so because Plaintiffs’ requested temporary relief is simply the revival of the prior 2022 Plan, which has been upheld by multiple courts, endorsed by the Governor, and used in the 2022 and 2024 congressional elections. Indeed, if the Defendants could enact and order the implementation of a new map only days ago, it cannot be too late in the election season to return to the prior map.

Plaintiffs thus request that the Court temporarily enjoin use of the unconstitutional 2026 Plan in the 2026 election. Plaintiffs also request that the Court expedite consideration of their emergency motion for temporary relief to make sure that constitutional congressional districts are in place for the 2026 election, which would otherwise irreparably harm Plaintiffs and deprive them of their rights. Thus, Plaintiffs respectfully request that their motion be heard with the related motion for temporary injunctive relief in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, scheduled for hearing on May 15 at 10:00 A.M. before this Court.

On May 8, 2026, pursuant to Section 2.3 of the Court’s Policies and Procedures, Plaintiffs’ counsel, Simone T. Leeper, conferred individually with counsel for Defendants, Mohammad Jazil (Florida Secretary of State), Daniel Nordby (Florida Senate), and Andy Bardos (Florida House),

in a good faith effort to resolve the issues raised in the motion. Counsel were unable to agree on resolution of the motion.

Given that Plaintiffs solely seek injunctive relief against the State to remedy the 2026 Plan's violation of the Fair Districts Amendment of the Florida Constitution, in the determination of posting of bond under Florida Rule of Civil Procedure 1.610(b), Plaintiffs' request that the Court set no more than a nominal bond.¹

WHEREFORE, Plaintiffs respectfully request that this Court require no more than a nominal bond for injunctive relief, expedite consideration of this emergency motion and set it for hearing at the same time as the related hearing already scheduled before this Court on May 15 at 10:00 A.M. in *Equal Ground Education Fund, Inc., et al., v. Byrd*, Case No. 2026-ca-000914, and temporarily enjoin implementation of the unconstitutional 2026 Plan as *void ab initio*, which will revive the 2022 Plan for the 2026 congressional primary and general elections.

Respectfully submitted this 8th day of May, 2026,

/s/ Chad W. Dunn

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¹ During their conferral, counsel for all parties discussed the bond requirement under Florida Rule of Civil Procedure 1.610(b), including waiving the bond requirement. Counsel were unable to reach a definitive position before the filing of this motion.

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*motions for admission *pro hac vice* pending
**motion for admission *pro hac vice*
forthcoming

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on all counsel of record through the Florida Courts E-Filing Portal on this 8th day of May, 2026.

/s/ Simone T. Leeper
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