

**IN THE DISTRICT COURT OF APPEAL
FIRST DISTRICT, STATE OF FLORIDA**

**Case. No. 1D2026-1539
L.T. Case No. 2026-CA-914**

Equal Ground Education Fund, Inc., et al.,

Appellants,

v.

**Cord Byrd, in his official capacity as Florida Secretary of State,
the Florida House of Representatives,
and the Florida Senate,**

Appellees.

**APPELLANTS' REPLY IN SUPPORT OF TIME-SENSITIVE
MOTION TO EXPEDITE APPEAL**

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**Pro hac vice motion
forthcoming*

Appellees' response reveals their true strategy: not to win this case on the merits, but to win by default by running out the clock in hopes that the passage of time forecloses relief.

The baseless arguments in Appellees' opposition only confirm this reality. Appellees complain about a lack of conferral, Opp'n 1, but gloss over the fact that Florida Rule of Appellate Procedure 9.300 does not require conferral for motions to expedite. Appellees claim a June 3 response deadline to Appellants' initial brief would provide them only "two days' notice," Opp'n 2, when in fact they will have had Appellants' brief for six days by June 3, comparable to the window between Appellants' May 6 opening brief and Appellee's May 13 response brief in the trial court. Finally, Appellees admit that their "principal defense[]" is "the unenforceability of the [sic] article III, section 20 of the Florida Constitution," Opp'n 5, all but conceding that this appeal presents issues of great public importance and therefore would have been appropriate for the pass-through certification that Appellees opposed, *but see* Appellees' Resp. to Appellants' Suggestion of Pass-Through Certification 2-3 (opposing pass-through on grounds that circuit court's order was based on "threshold" issues).

Despite Appellees' efforts, it is not too late for this Court to offer relief, and this Court is not powerless in the face of election administration timelines. Even if this Court had to modify the qualifying deadlines, which is not yet necessary, courts have inherent equitable authority to extend candidate qualifying deadlines in connection with redistricting relief. *See, e.g., Connor v. Johnson*, 402 U.S. 690, 692–93 (1971) (instructing lower court to put into effect lawful district plan and to extend candidate filing date); *Johnson v. Mortham*, 926 F. Supp. 1540, 1542 (N.D. Fla. 1996) (extending qualifying period for all Florida congressional candidates and holding that “the mere administrative inconvenience the Florida Legislature and Florida elections officials will face in redistricting simply cannot justify denial of Plaintiffs’ fundamental rights”). The people of Florida who passed the Fair Districts Amendment are entitled to have this Court decide whether it governs their elections before they are asked to cast their ballots under a map drawn in knowing defiance of their constitution.

Appellants respectfully reiterate their request that the Court grant their motion to expedite and resolve this appeal on the briefs by June 5, 2026. To the extent this Court feels it would benefit from

oral argument, Appellants are available at the Court's convenience,
including on June 5, 2026.

Dated: June 2, 2026

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 2, 2026, I electronically filed the foregoing using the State of Florida ePortal Filing System, which will serve an electronic copy to counsel in the Service List below.

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that this motion was prepared in Bookman Old Style, 14-point font, in compliance with Rule 9.045(b) of the Florida Rules of Appellate Procedure.

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