

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

THE FLORIDA EDUCATION
ASSOCIATION, ANDY FORD and
LYNETTE ESTRADA,

Plaintiffs,

CASE NO.: 2010 CA 002537

vs.

DEPARTMENT OF STATE, an
agency of the of the State of
Florida; and DAWN K. ROBERTS,
in her official capacity as the
Secretary of State,

Defendants.

10 JUL 23 AM 11:12
BOB INZER
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

NOTICE OF PRIORITY STATUS

The Plaintiffs, pursuant to Rule 2.545(c)(1), Florida Rules of Judicial Administration, submit this Notice of Priority Status, stating their belief that the instant matter should be assigned priority status by this Court, and further state:

Nature of the Case

This is a declaratory judgment action challenging the placement of SJR 2, a proposed amendment to the Florida Constitution, which has been designated by the Defendant, Department of State, as Amendment 8 on the 2010 general election ballot. The Plaintiffs seek an order of this Court removing Amendment 8 from the 2010 general election ballot.

FILED
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Source of Priority Status

While there is no statute, rule or case law which mandates that this Court must assign priority status to this case, the duties and responsibilities imposed by law upon state election officials compels that a final decision by the Florida Supreme Court with respect to the issues presented by the case be made on or before the practical deadline for the printing and mailing of ballots for the November 2010 general election.

Deadlines Imposed by Law on Any Aspect of Case

There is no statutory deadline for printing ballots. The first date set out in law relating to ballots is Section 101.62(4)(a), Florida Statutes, which requires the supervisors of elections to mail absentee ballots to overseas voters no less than 45 days before a general election. In 2010, that date is September 18, 2010.

In order to have the ballots ready to mail by that date, they must be printed in advance. Approximately 11.1 million (the current number of registered voters in Florida) paper ballots will need to be printed for the general election. Only a few companies in the United States have been certified to print machine-readable, optical scan ballots. Because of this fact, and because every other state is also conducting a November 2, 2010, election, it is imperative that Florida counties be able to submit their ballot orders to the printers as early as possible to comply with the September 18, 2010, mailing deadline.

Supervisors of elections cannot finalize the ballots until the Defendant Department of State provides them with the names of candidates nominated by office as required by Section 99.121, Florida Statutes, and such results are certified for the

election. Such certifications are expected to be made by the Defendant Secretary of State on August 31, 2010 [*see* Section 102.112(2), Florida Statutes] and by the Elections Canvassing Commission the following day, September 1, 2010 [*see* Section 102.111(1), Florida Statutes].

Although the certifications apply only to candidates, and not to constitutional amendments, the September date is also the pivotal date for removing a constitutional amendment from the ballot due to the fact that county supervisors must await the candidate information provided pursuant to Section 99.121, Florida Statutes, in order to finalize ballot layout.

The duties and responsibilities imposed by law upon election officials require the prompt consideration of this case as a priority matter by this Court. Following a decision by this Court, it is anticipated that the decision will be appealed to the First District Court of Appeal and to the Florida Supreme Court for review.

Unusual Factors That May Bear on Meeting Imposed Deadlines

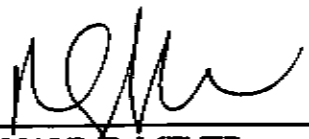
There are no unusual factors which may bear on meeting the imposed deadlines.

WHEREFORE, the Plaintiffs request that this Court assign the instant matter priority status pursuant to Rule 2.543(c)(1), Florida Rules of Judicial Administration.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a copy has been provided to the following by United States Postal Service and by electronic mail on this 23rd day of July, 2010 to: C.B. Upton, II, Esquire, General Counsel, Florida Department of State, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399.



ATTORNEY