

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

FLORIDA STATE CONFERENCE
OF NAACP BRANCHES;
ADORA OBI NWEZE;
THE LEAGUE OF WOMEN
VOTERS OF FLORIDA, INC.;
DEIRDRE MACNAB;
ROBERT MILLIGAN;
NATHANIEL P. REED;
DEMOCRACIA AHORA;
and JORGE MURSULI;

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CLERK OF COURT
LEON COUNTY, FLORIDA

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Plaintiffs,

CASE NO.: _____

vs.

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

Defendants.

NOTICE OF PRIORITY STATUS

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 states:

Nature of the Case

This is a declaratory judgment action challenging placement of HJR 7231, a proposed amendment to the State Constitution, which has been designated by the Defendant, Department of State as Amendment 7, on the 2010 general election ballot.

Plaintiffs seek an order from this Court removing Amendment 7 from the 2010 general election ballot.

Source of Priority Status

There is no statute, rule or case law which mandates that this Court assign priority status to this case. However, the duties and responsibilities imposed by law upon election officials compels that a final decision by the Florida Supreme Court with respect to the issues presented in this 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 (2009), which requires supervisors of elections to mail absentee ballots to overseas voters no less than 45 days before a general election. This year that date is September 18, 2010.

In order to have the ballots ready to mail on that date, they must be printed in advance. Roughly 11.1 million (the current number of registered voters in Florida) paper ballots will need to be printed for the general election.¹ Only a small number of printing companies across the country are certified to print machine-readable optical scan ballots. Because of this, and because every state in the country is also holding an election on November 2, 2010, it is imperative that Florida counties submit their ballot orders to the printers as early as possible to ensure compliance with the September 18, 2010 deadline for mailing overseas ballots and to make absentee ballots generally available to voters thereafter.

¹ Although not all ballots need be printed prior to September 18, 2010, most counties find it more efficient and cost effective to print all the ballots at one time.

The supervisors of elections cannot finalize their ballots for the general election until the Department of State provides them the names of candidates nominated for office as required by Section 99.121, Florida Statutes. The county-level results for federal, statewide and multi-county races in the state's August 24, 2010, primary will be certified to the Secretary on August 31, 2010. *See* § 102.112(2), Florida Statutes (2009). The resulting winners are expected to be certified by the Elections Canvassing Commission the following day, September 1, 2010. *See id.* § 102.111(1). Candidates for the office of Governor must designate a Lieutenant Governor running mate and such candidate must qualify before 5:00 p.m. on September 2, 2010. *See* § 99.063, Florida Statutes (2009).

Section 99.121, Florida Statutes (2009), requires that the Department of State certify to the county supervisors of elections the names of persons nominated for each federal, state or multi-county office in each county sometime after on September 2, 2010. Recognizing the September 18, 2010 deadline for mailing overseas ballots, this will allow, at maximum, fifteen (15) days for counties to program the election information in their software, layout and proof their ballots, and have the ballots printed so as to meet the September 18 deadline for mailing overseas absentee ballots.

Although the post-September 2 certification pertains only to candidates and not to proposed constitutional amendments,² this date is also the pivotal date for removing a constitutional amendment from the ballot. This is because counties must await the candidate information provided pursuant to Section 99.121, Florida Statutes (2009), in order to finalize their ballot layout.

² There is no statutory deadline specifying when proposed constitutional amendments must be provided to the counties.

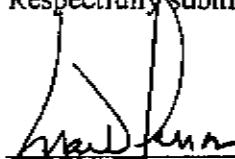
The duties and responsibilities imposed by law upon election officials require prompt consideration of this case as a priority matter by this Court. Following any decision by this Court, it is anticipated that the decision will be appealed to the First District Court of Appeal for review by that Court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

Unusual Factors That May Bear on Meeting Imposed Deadlines


There are no known unusual factors that may bear on meeting any imposed deadlines.

WHEREFORE, 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 by:



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