

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC.; LEAGUE
OF WOMEN VOTERS OF
FLORIDA EDUCATION FUND

Plaintiffs,

v.

ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,

Defendants.

Case No. 4:23-cv-00216

Chief Judge Mark E. Walker

**PLAINTIFFS' EMERGENCY MOTION FOR PRELIMINARY
INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 65(a), Plaintiffs the League of Women Voters of Florida, Inc., and the League of Women Voters of Florida Education Fund respectfully move the Court for a preliminary injunction against the enforcement of SB 7050 by

Defendants Ashley Moody, in her official capacity as Attorney General, and Cord Byrd, in his official capacity as Secretary of State.

The provisions of SB7050 that pertain to third-party voter registration organizations enact discriminatory restrictions on these organizations' First Amendment rights to core political speech and association. As more fully set forth in Plaintiffs' memorandum in support of this motion, Plaintiffs are likely to succeed on the merits of their claims and will suffer irreparable harm from the enforcement of SB7050 in the absence of preliminary relief. The balance of equities tilts strongly in Plaintiffs' favor, and an injunction protecting their constitutional rights is in accord with the public interest. Because the Law and its attendant harms will take effect on July 1, 2023, absent relief from this Court, Plaintiffs' need for relief is urgent.

Therefore, a preliminary injunction should issue.

**MEMORANDUM IN SUPPORT OF MOTION FOR
PRELIMINARY INJUNCTION**

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INTRODUCTION

Plaintiffs seek to preliminarily enjoin four newly enacted provisions of Florida law that will severely burden their voter registration efforts in violation of the First Amendment.

The League of Women Voters of Florida, through its members, has long pursued one core mission: empowering voters and expanding access to democracy. A key component of that mission is guiding Floridians through the voter registration process. That work takes place all over Florida at parades, county fairs, naturalization ceremonies, events for citizens returning from incarceration, and many other places. And it has been successful — the League registers tens of thousands of voters every year, and according to the Secretary of State’s own records, it is one of the most effective voter registration organizations in the state.

SB 7050 is tailor-made to undermine the League’s successful voter engagement. First, it prohibits League-affiliated volunteers from “collecting or handling” voter registration applications if they are non-citizens or have been convicted of certain felonies. And though the scope of that ban is vague, the League must pay a \$50,000 fine each time a

prohibited person collects or handles an application, regardless of whether the League has diligently tried to follow the law.

Second, SB 7050 creates onerous and contradictory requirements that will make every interaction between League volunteers and prospective voters more difficult. It requires volunteers to provide a detailed receipt to each registration applicant, and that receipt must include the volunteer's own name as well as information about the applicant. To ensure compliance with that requirement, the League would normally plan to keep a copy of each receipt it distributes. But a separate provision of SB 7050 makes it a third-degree felony to retain any of the applicant's "personal information."

These provisions are unconstitutional. They restrict the League's speech about voter registration and limit who the League can associate with in its effort to register voters. They create unnecessary administrative hurdles and will deter League members and volunteers from registering voters for fear of felony prosecution and incurring steep fines that will bankrupt the organization. In fact, League members have already registered their fear and potential unwillingness to keep performing voter registration services. To avoid those risks, if the

challenged laws are not enjoined, the League will at least temporarily cease its longstanding practice of assisting people with paper voter registration forms and delivering completed forms to state and county election officials. Instead, it will help voters register online or simply provide blank registration forms.

None of the challenged provisions reflect a genuine effort to preserve election integrity, protect Floridians' personal information, or serve any other legitimate state goal. Their broad sweep and confusing language make plain that they are simply intended to make voter engagement more difficult.

A preliminary injunction is necessary to protect Plaintiffs' First Amendment rights. The relevant provisions of SB 7050 take effect in a matter of weeks, and the League is already devoting time and resources to planning the extraordinary changes to its operations that the law will necessitate. If SB 7050 is not enjoined, those burdens will be multiplied, and the League will immediately lose innumerable chances to register voters.

BACKGROUND

I. The League of Women Voters of Florida

The League of Women Voters of Florida, Inc. and the League of Women Voters of Florida Education Fund (collectively “the League”) are affiliated nonpartisan, nonprofit organizations whose mission is to facilitate informed and active participation in government by all Americans, increase understanding of major policy issues, and advocate for legislative changes and policies for the public good. *See* Declaration of Cecile Scoon (“Scoon Decl.”) ¶3. With its 29 local chapters and thousands of dues paying members, the League encourages eligible Florida citizens to register to vote, including by assisting them with the process, and promoting robust civic participation through voter education and assistance to facilitate their participation in the electoral process. *See* Scoon Decl. ¶¶4-8. A primary focus for the League is voter registration, especially for communities of color and returning citizen populations. *See id.* ¶¶8, 10, 12-18. Floridians in particular rely on civic organizations to help them register to vote, and the League has long played a foundational role in that effort.¹

¹ *See* Joshua A. Douglas, *A History of Third-Party Voter Registration Drives*, May 17, 2023, Institute for Responsive Government, <https://responsivegoverning.org/research/a-history-of-third-party-voter->

The League also engages in other activities including outreach, education, and advocacy on legislation and ballot initiatives. *See id.* ¶5. The League has two full-time and three part-time paid staff members and one contract bookkeeper. *See id.* ¶8. Its annual program budget last year was approximately \$268,425, and it anticipates the budget for upcoming years to be similar. *See id.* ¶9.

The League conducts hundreds and sometimes thousands of voter registration events per year across the state, registering tens of thousands of eligible Floridians each year, making it one of the most effective 3PVROs in Florida. *See id.* ¶¶13-16.

II. Senate Bill 7050

On April 28, 2023, the Florida legislature passed Senate Bill 7050 (“SB 7050” or “the Law”), which was signed by Governor Ron DeSantis on May 24, 2023.² SB 7050’s provisions are retroactively effective for any third-party voter registration organization (“3PVRO”) registered with the Department of State as of July 1, 2023. Fla. Stat. § 97.0575(12).³

[registration-drives/](#) (noting that in one Florida county, civic organizations registered 63 percent of all new voters before 2004 elections and explaining that “[t]he most intensive efforts for voter registration in the wake of the Nineteenth Amendment came from” the national League of Women Voters).

² *Senate Bill 7050*, THE FLORIDA SENATE, <https://www.flsenate.gov/Session/Bill/2023/7050> (last visited June 3, 2020).

³ All citations to Fla. Stat. § 97.0575 are to the version amended by SB 7050.

The Law contains several provisions that restrict 3PVROs. Four of those provisions (the “challenged laws”) are the focus of this motion.

A. Felony Volunteer Restriction

SB 7050 includes two provisions banning certain people from assisting 3PVROs with voter registration (the “Volunteer Restrictions”). First, the Law prevents 3PVROs from working with volunteers who have been convicted of certain felonies (the “Felony Volunteer Restriction”). Fla. Stat § 97.0575(1)(e). It requires 3PVROs to affirm that “each person collecting or handling voter registration applications” has not been convicted of a felony violation of the Election Code or a felony offense specified in Fla. Stat. § 98.0751(2)(b)-(c) or chapters 817, 831, or 837 of the Florida Statutes. SB 7050 subjects 3PVROs to a fine of \$50,000 for every violation. *Id.*

B. Non-U.S. Citizen Volunteer Restriction

The second provision restricts the voter registration activities of non-citizens in a similar manner to the Felony Volunteer Restriction. It requires 3PVROs to affirm that “each person collecting or handling voter registration applications” on behalf of the 3PVRO is a United States citizen, and subjects 3PVROs to a fine of \$50,000 for every violation (the

“Non-U.S. Citizen Volunteer Restriction”). Fla. Stat. § 97.0575(1)(f). The Non-U.S. Citizen Volunteer Restriction prohibits *all* non-U.S. citizens, including legal residents, from “collecting or handling” voter registration applications on behalf of 3PVROs. *Id.*

C. Receipt Requirement

SB 7050 requires 3PVROs to provide a “receipt” to every voter registration applicant that includes the applicant’s name, the application date, the 3PVRO’s name, the name of the registration agent, and the applicant’s political party affiliation and home county (the “Receipt Requirement”). Fla. Stat. § 97.0575(4). Although the Law goes into effect on July 1, 2023, the state is not required to prescribe a “uniform format” for the receipt until October 1, 2023. *Id.*

D. Voter Information Restriction

SB 7050 prohibits a person collecting voter registration applications on behalf of a 3PVRO from copying the voter’s application or “retain[ing] a voter’s personal information, such as the voter’s Florida driver license number, Florida identification card number, social security number, or signature, for any reason other than to provide such application or information to the [3PVRO] in compliance” with Section

97.0575 (the “Voter Information Restriction”). Fla. Stat. § 97.0575(7). Violation of this provision is a third-degree felony. *Id.* Though the statute gives examples of “personal information,” it does not otherwise define the term.

III. Impacts of the Law

The League is already experiencing the debilitating impacts of SB 7050. The League conducts voter registration activities throughout the year, with local chapters participating in multiple events per week. *See* Scoon Decl. ¶¶14-15. Some local chapters register hundreds or even thousands of voters in a single month. *See id.* ¶14.

SB 7050 has thrown the organization into a tailspin. Prior to the Law’s passage, the League was planning to expand its registration efforts in advance of upcoming local elections and next year’s statewide and presidential elections. *See id.* ¶¶15, 17-18. Already the League has diverted significant effort, staff time, and resources from its other activities to respond to and prepare for the implementation of SB 7050. *See id.* ¶¶20, 33, 41. Because of the dire consequences of SB 7050 on the League’s operations, the League has decided that if the challenged laws are not enjoined, it will, at least temporarily, cease its regular voter

registration activity altogether, instead confining its activities to assistance with online registration and distributing blank paper applications. *See id.* ¶¶21, 33-34.⁴ Such a change will short circuit its ability to assist many voters, contrary to its mission and values. *See id.* ¶41.

The League utilizes a comprehensive online training program for its members who register voters. *See id.* ¶19. They are required to pass a test with a perfect score before being certified to register voters. *See id.* The Law would require the League to revamp and restructure its training, decertifying all qualified members and requiring them to retake the training. *See id.* ¶¶20-21. Some members would likely not do so. *See id.* ¶22. The League expects to see a significant drop in its pool of members who register voters that may take years to remedy. *See id.* The League had to decertify members after the passage of SB 90, and it took years to return to the number of members who register voters that it had in years prior. *See id.*

⁴ Many of the Law's impacts discussed throughout this brief will apply if the injunction is not granted and the League decides to re-start its usual practice of performing voter registration services as a 3PVRO.

A. Volunteer Restrictions

The League does not collect information about members' felony conviction or citizenship status because its stated values include that "[t]here shall be no barriers to full participation in this organization on the basis of . . . any . . . characteristic that can be identified as recognizing or illustrating diversity." *See id.* ¶10. The League considers the values of "[d]iversity, equity, and inclusion" to be "central to the organization's current and future success." *See id.* However, the League is aware of members who have been convicted of disqualifying felonies and who are non-citizens whom it would have to prohibit from registering voters. *See* Declaration of Debra A. Chandler ("Chandler Decl.") ¶¶3-5, 10-11. Excluding certain members on this basis would be antithetical to the League's values and mission. *See id.* ¶¶6-8, 11-12; Scoon Decl. ¶¶11-12; Declaration of Monica Bustinza ("Bustinza Decl.") ¶¶5-6; Declaration of Kathy Sheerin ("Sheerin Decl.") ¶¶3-4. Asking questions about members' felony and citizenship status would be extremely uncomfortable for the League and invasive for its members. *See id.*

However, if the League does not ask these questions, it faces a fine of up to \$50,000 per prohibited volunteer, a sum that could rapidly eclipse

the organization's budget. Being unable to utilize members who are themselves part of the very communities that the League focuses on would prevent the League from utilizing its most effective means of voter registration. *See* Chandler Decl. ¶¶ 8, 12.

Moreover, even if the League investigates its members and never inadvertently violates the Law, its voter registration efforts will be weakened. Some League members will be unable to register voters, while others will be forced to be more cautious about how they work with other volunteers. And the resources and time the League has expended on training mean there will be fewer registration events. Thus, the Volunteer Restrictions will lead to fewer registered voters.

B. Receipt Requirement

The League's work will be significantly impeded by the Receipt Requirement. First, the League will have to spend the time and resources to develop a receipt since the state need not provide a form until October. *See* Scoon Decl. ¶28. Further, League members have expressed concern, fear, and even unwillingness to participate in voter registration activities if they have to provide their names on a receipt. *See id.* ¶27; Declaration of Monica Elliott ("Elliott Decl.") ¶5; Bustinza Decl. ¶8; Sheerin Decl.

¶¶5-6. In particular, members fear being targeted by the Florida Office of Election Crimes and Security. *See* Scoon Decl. ¶27; Bustinza Decl. ¶8; Sheerin Decl. ¶¶6-7; Elliott Decl. ¶6. As with the Volunteer Restrictions, that means fewer League members will volunteer at voter registration drives, and the League will register fewer voters.

The Receipt Requirement combined with the Voter Information Restriction, discussed below, puts the League in an impossible position — it cannot keep a copy of the receipt to prove compliance. *See* Scoon Decl. ¶32; Sheerin Decl. ¶¶7-8. This leaves the League vulnerable to accusations of noncompliant registration without allowing members to retain the proof that they were, in fact, compliant. *See id.*

C. Voter Information Restriction

The Voter Information Restriction will also impair the effectiveness of the League's activities. Some local League chapters, with applicants' permission, retain applicants' name and contact information. *See* Scoon Decl. ¶29. This allows the League to follow up with voters to correct errors on their registration forms, to remind them of upcoming elections, and to recruit them to join the League. *See* Scoon Decl. ¶¶30-31. These activities are crucial to the effectiveness of registration efforts and

recruitment efforts, but the Voter Information Restriction will make them impossible and limits the League's ability to associate with others.

See Scoon Decl. ¶¶30-31.

D. Risk Minimization

If the challenged laws are not enjoined, the League has decided to, at least temporarily, cease collecting paper voter registration applications and confine itself to online voter registration assistance.⁵ See Scoon Decl. ¶¶21, 33-34. The risk is too great for the League to do anything else. See Declaration of Phyllis Applebaum ("Applebaum Decl.") ¶6.

The online method has meaningful disadvantages to the League's current system. See *id.* ¶¶35-40. Most significantly, the online system requires two forms of identification while paper registration only requires one, so some applicants will be excluded, especially in those communities that the League most strives to reach. See *id.* ¶38. And not all members and potential applicants have the technical proficiency to navigate the online system. See *id.* ¶36.

⁵ Even before that decision was made, some members noted that planning new voter registration activities would be more difficult. See Bustinza Decl. ¶10. Some local Leagues had already stopped collecting voter registration applications altogether. See Sheerin Decl. ¶¶8-14.

Further, switching to online-only registration will require significant financial outlay, including the cost of purchasing laptops, tablets, and Wi-Fi hot spots. *See id.* ¶35. On a fixed budget, this would mean that a limited number of people could register to vote at one time and a limited number of members would be able to help with that process. *See id.* The need to charge the technology and the need for an internet connection would limit the settings and duration of the League's voter registration events. *See id.* ¶36. Moreover, the online system would not allow League members to review registration forms in the thorough manner that is its current policy, *see id.* ¶37, and online registration does not facilitate the personal connection between the League and applicants that is vital to creating trust, *see id.* ¶39. In the longer term, without collecting forms and utilizing the 3PVRO number on those forms, the League cannot effectively track the number of voters it registers, impacting its ability to get grants and fundraise in a way that is critical to continuing its voter registration efforts and its overall mission. *See id.* ¶40.

LEGAL STANDARD

Plaintiffs seeking a preliminary injunction must show: (1) a substantial likelihood of success on the merits; (2) irreparable harm absent an injunction; (3) the harm they will experience outweighs any injury the opposing party may experience under the injunction; and (4) the injunction would not be adverse to the public interest. *See Otto v. City of Boca Raton, Fla.*, 981 F.3d 854, 860 (11th Cir. 2020).

ARGUMENT

I. Plaintiffs have standing

To establish standing, a “litigant must prove (1) an injury in fact that (2) is fairly traceable to the challenged action of the defendant and (3) is likely to be redressed by a favorable decision.” *Jacobson v. Fla. Secy of State*, 974 F.3d 1236, 1245 (11th Cir. 2020) (citation omitted). In First Amendment cases, this standard is “most loosely applied” to provide broad speech protections. *Pittman v. Cole*, 267 F.3d 1269, 1283 (11th Cir. 2001).

Here, the League has both organizational and associational standing. A group has organizational standing “if the defendant’s illegal acts impair its ability to engage in its projects by forcing the organization

to divert resources to counteract those illegal acts.” *Jacobson*, 974 F.3d at 1250 (quotation marks and citation omitted). And organizations can show associational standing, enforcing the rights of their members, when (a) members would have standing to sue on their own; (b) the interests at stake are related to the organization’s purpose; and (c) the participation of individual members is not required. *See Dream Defenders v. Governor of the State of Fla.*, 57 F.4th 879, 886 (11th Cir. 2023).

A. The League has organizational standing

The League has organizational standing because all four challenged provisions will directly stifle its protected activities and harm its effort to engage more voters. The League has determined that compliance with SB 7050 would be so costly and dangerous that, absent an injunction, it plans to temporarily cease collecting voter registration applications altogether. Not only will that require the League to spend money, *see* Scoon Decl. ¶35, it demonstrates that the Law has caused the League to self-censor, creating a First Amendment harm. *See Speech First, Inc. v. Cartwright*, 32 F.4th 1110, 1120 (11th Cir. 2022).

To comply with SB 7050, the League would be forced to divert time and resources from other projects to counteract SB 7050’s effects. First,

it would need to overhaul its training system and retrain every member who conducts voter registration — over 1,000 people — so that they (1) are aware that they cannot volunteer if they are non-citizens or have been convicted of certain felonies, and that they cannot work with people in either of those categories; (2) understand how to provide receipts to applicants; (3) know that they could be charged with a felony if they retain an applicant’s personal information. *See* Scoon Decl. ¶29. Because this training is vital to avoiding massive fines and felony convictions, the League will pause its paper voter registration activity at least until it ensures that every affected member understands the Law and agrees to comply with it. *See id.* ¶¶21, 33-34. Absent SB 7050’s burdensome requirements, League leaders, staff, and members would spend more time registering voters, organizing voter registration drives, training members about more effective methods of registering voters, or conducting other League business. *See id.* ¶¶20, 41.⁶ *See Fla. State Conf. of N.A.A.C.P. v. Browning*, 522 F.3d 1153, 1165-66 (11th Cir. 2008) (holding that groups had organizational standing when they “reasonably

⁶ For example, at its recent convention, the League cancelled a workshop to train members on its diversity, equity, and inclusion policy so it could focus discussion and training on SB 7050’s requirements. *See* Scoon Decl. ¶20.

anticipate[d] that they [would] have to divert personnel and time” away from registration drives and toward “educating volunteers and voters on compliance with” the law).

To continue to register voters, the League would also have to investigate each of its members who registers voters to ensure that those members are citizens without disqualifying felony convictions. *See* Scoon Decl. ¶¶10-11. Aside from diverting time and resources as described above, that investigation and the exclusion of non-citizens and people with convictions will harm the League because it conflicts with the organization’s core values — the League does not ask its members whether they are citizens or have been convicted of a felony and welcomes non-citizens and returning citizens to their membership. Inquiring into these topics, and excluding individuals from core membership activities on these bases, conflicts with its diversity, equity, and inclusion policy. *See id.*

Further, even if registration drives happen in the future, they will be less effective. Fewer League members will register voters because they fear personal exposure from the Receipt Requirement or felony prosecution from the Voter Information Restriction. And because

volunteers cannot retain personal information of applicants, the League will be unable to contact them to notify them of an incomplete application, remind them to vote, or ask them to join the League. All that will result in fewer registered voters, lower voter turnout, and fewer League members.

And the largest potential resource drain will occur if the League inadvertently violates the Volunteer Restrictions. If that happens even once, the League will be subject to a \$50,000 fine, which amounts to almost one-fifth of its annual budget. *See id.* ¶9. If it happens a handful of times, the League’s entire budget will be wiped out. Without question, such a financial loss will prevent the League from retaining its few staff members, organizing its statewide convention, or performing other functions core to its mission. *See id.* ¶¶20, 41.

B. The League has associational standing

The League has clearly established associational standing as well. First, many members would have standing to sue on their own. *See Arcia v. Fla. Sec’y of State*, 772 F.3d 1335, 1342 (11th Cir. 2014) (noting that “plaintiffs need only establish that at least one member faces a realistic danger of suffering an injury” to establish associational standing)

(quotation marks and citation omitted). Here, all League members who perform registration services will be put at risk of felony prosecution for retaining the personal information of any applicant, and therefore will be unable to later speak with those applicants. And all of them will be able to associate with fewer volunteers, because they will know that working with non-citizens or people with disqualifying felonies would create financially ruinous liability for the League. Those members will also be able to register fewer voters because they will need to undergo additional training provided by the League and divert their own time to filling out a receipt each time they register a voter. Finally, some will be deterred from registering voters at all because they do not want to provide their name on the applicant's receipt. *See* Scoon Decl. ¶27.

The second and third prongs of the associational standing test are easily met. The interests the League is trying to protect — helping its members register more voters — is unquestionably “germane to the organization’s purpose.” *Arcia*, 772 F.3d at 1342. And the state can make no showing that participation of individual members is required to achieve the injunctive relief sought here. *See id.*

* * *

Without question, all of these harms are traceable to defendants, and the injuries of the League and its members will be redressed by an injunction here. Defendants are charged with enforcing and administering SB 7050, *see* Fla. Stat. §§ 97.0575(8), 97.012(1)-(2), and enjoining the Law will ensure that the League does not have to follow the burdensome requirements SB 7050 creates.

II. Plaintiffs are substantially likely to succeed on the merits of their claims

The League’s voter registration activity is “core political speech,” associational activity, and expressive conduct protected by the First Amendment. *Meyer v. Grant*, 486 U.S. 414, 421-22 (1988); *see also Buckley v. Am. Constitutional Law Found.*, 525 U.S. 182, 187 (1999). Thus, the Court must apply strict or “exacting” scrutiny to any restrictions that curtail that activity. *Meyer*, 486 U.S. at 420.⁷ The challenged laws fail that test.

⁷ The Supreme Court and other federal courts have used the terms exacting scrutiny and strict scrutiny somewhat interchangeably. *See McIntyre v. Ohio Elections Comm’n*, 514 U.S. 334, 346 n. 10, 347 (1995) (“In *Meyer*, we unanimously applied strict scrutiny to invalidate an election-related law.”); *VoteAmerica v. Schwab*, No. CV 21-2253-KHV, 2023 WL 3251009, at *13 (D. Kan. May 4, 2023) (relying on *Meyer* and applying strict scrutiny).

A. The League is likely to succeed on its First Amendment claims

1. *The court must apply strict or exacting scrutiny*

a. Free speech and expressive conduct

Courts have repeatedly held that “the First Amendment has its fullest and most urgent application” to speech and conduct encouraging people to register to vote and assisting them with registration. *League of Women Voters v. Hargett*, 400 F. Supp. 3d 706, 722 (M.D. Tenn. 2019) (citation and quotation marks omitted); *see also League of Women Voters of Fla. v. Browning*, 863 F. Supp. 2d 1155, 1158 (N.D. Fla. 2012) (“encouraging others to register to vote” is “core First Amendment activity”); *League of Women Voters of Fla. v. Cobb*, 447 F. Supp. 2d 1314, 1332 (S.D. Fla. 2006). That is because laws curtailing voter registration activity substantially proscribe communication with potential voters about political issues, leading to “speech diminution.” *Hargett*, 400 F. Supp. 3d at 723 (quoting *Meyer*, 486 U.S. at 421); *see also Cobb*, 447 F. Supp. 2d at 1332 (analogizing 3PVRO requirements to those in *Meyer*, which “reduced speech”). And laws that so directly affect political speech, regardless of whether they purport to regulate the mechanics of the electoral process, cannot stand unless they meet the standard outlined in

Meyer. See *Hargett*, 400 F. Supp. 3d at 725; *Priorities USA v. Nessel*, 462 F. Supp. 3d 792, 812 (E.D. Mich. 2020).

The *Meyer* standard applies here. In *Meyer*, the plaintiffs attempted to engage others in the political process by gathering petition signatures in support of a proposed ballot initiative. A Colorado law prevented the plaintiffs from paying petition circulators, limiting “the size of the audience they [could] reach.” *Meyer*, 486 U.S. at 423. The Supreme Court invalidated the law and explained that because the state restricted speech in “an area in which the importance of First Amendment protections is ‘at its zenith,’” Colorado’s burden to justify the law was “well-nigh insurmountable.” *Id.* at 425.

Here, just as in *Meyer*, the League seeks to encourage others to participate in the political process, and their voter registration activity involves “interactive communication concerning political change.” *Id.* at 422. Whether a person should become a registered voter is a “matter of societal concern that [Plaintiffs] have a right to discuss publicly” without risking massive penalties, and burdens on the League’s voter registration activity will reduce the size of their audience and reduce their total amount of speech. *Id.* at 421; see also *Cobb*, 447 F. Supp. 2d at 1332.

The fact that the Law does not directly prohibit League volunteers from discussing voter registration or performing certain other registration activities does not affect the standard applied here. The Supreme Court has explained that the availability of “other means to disseminate [a plaintiff’s] ideas” does not diminish First Amendment protection for that person’s chosen means of communication. *Meyer*, 486 U.S. at 424 (holding that availability of “more burdensome avenues of communication[did] not relieve [law’s] burden on First Amendment expression”) (quotation marks and citation omitted); *see also Hargett*, 400 F. Supp. 3d at 721 (“Because the Act regulates traditional voter registration drives, which include central elements of expression and advocacy, it does not matter that the Act would not apply to some other hypothetical activity that a group might concoct specifically to evade the Act’s requirements.”).⁸

The challenged laws are also content- and viewpoint-based restrictions on speech. Viewpoint-based restrictions are prohibited “seemingly as a *per se* matter,” *Speech First*, 32 F.4th at 1126, while

⁸ Nor can defendants successfully argue that the aspects of assisting with voter registration covered here constitute non-expressive conduct. The “collection and submission of voter registration” applications “is intertwined with speech and association” and therefore qualifies for the strongest First Amendment protection. *Cobb*, 447 F.Supp. 2d at 1334 (rejecting state’s argument that regulation of collection of voter registration applications was not expressive).

content-based restrictions “are presumptively unconstitutional and may be justified only if the government proves that they are narrowly tailored to serve compelling state interests.” *Reed v. Town of Gilbert, Ariz.*, 576 U.S. 155, 163 (2015) (citation omitted).

A viewpoint-based restriction “discriminate[s] on the basis of viewpoint” by “prohibit[ing] only one perspective” on a given issue. *Speech First*, 32 F.4th at 1126-27. Here, the challenged laws target only 3PVROs like the League that *support* voter registration; those who wish to persuade people not to register or to deregister are unaffected by the Law. And the challenged laws are unquestionably content-based because they “appl[y] to particular speech because of the topic discussed or the idea or message expressed.” *Reed*, 576 U.S. at 163. The Law restricts speech on only one topic: voter registration.

b. Free association

The *Meyer* standard also applies when assessing the challenged laws’ burden on the League’s right to freely associate with others. There is no question that “the freedom to associate with others for the common advancement of political beliefs and ideas is a form of orderly group activity protected by the First and Fourteenth Amendments.” *Kusper v.*

Pontikes, 414 U.S. 51, 56-57 (1973) (quotation marks and citation omitted). And when the League conducts voter registration activities, it “act[s] collectively” with its members and volunteers, and seeks to do so with potential voters, “implicating the First Amendment right of association.” *Browning*, 863 F. Supp. 2d at 1158.

SB 7050 severely harms the League’s associational rights. The Volunteer Restrictions will prevent certain League members from performing voter registration functions for the League and prohibit the League from working with entire classes of Floridians at voter registration drives, its core membership activity. See *N.A.A.C.P. v. Button*, 371 U.S. 415, 430, 437 (1963) (affirming that First and Fourteenth Amendments “protect certain forms of orderly group activity,” including by “persuad[ing] to action”); see also *Boy Scouts of America v. Dale*, 530 U.S. 640 (2000) (recognizing right of associations to choose their members). Those restrictions will also force the League to investigate its own members in a manner contrary to its own values. Meanwhile, the Receipt Requirement will reduce the number of members the League may use for voter registration drives, because some members will refuse to participate if they must disclose their names to the public.

And the League will be unable to grow and associate with prospective voters as it normally does, because the Voter Information Restriction will prevent it from keeping applicants' contact information.

Because the challenged laws impose a severe burden on those associational activities, they “must be narrowly tailored to serve a compelling interest.” *Buckley*, 525 U.S. at 206 (Thomas, J., concurring in the judgment).⁹

2. The challenged laws cannot survive strict or exacting scrutiny

Because the scrutiny standards from cases such as *Meyer* and *Reed* must be applied, the challenged laws can be upheld only if they are narrowly tailored to serve a compelling state interest. *See Reed*, 576 U.S. at 163. As noted, that burden is “well-nigh insurmountable.” *Meyer*, 482 U.S. at 425; *see also McIntyre*, 514 U.S. at 346 n. 10, 347 (describing *Meyer* standard as “strict scrutiny” and outlining exacting scrutiny analysis). But none of the challenged laws can clear that high bar.¹⁰

⁹ Notably, courts have also recognized a First Amendment right to associate with non-citizens. *See, e.g., Petersen v. Talisman Sugar Corp.*, 478 F.2d 73, 83 (5th Cir. 1973); *Haitian Refugee Ctr., Inc. v. Baker*, 789 F. Supp. 1552, 1572 n. 11 (S.D. Fla. 1991) (noting that “the Supreme Court has recognized a first amendment right to associate with an excluded alien”).

¹⁰ Even if the Court were to review the challenged laws under the *Anderson-Burdick* test that applies to regulations that “control the mechanics of the electoral process,” *McIntyre*, 514 U.S. at 345, there is little difference between the *Meyer* standard and the close scrutiny applied under *Anderson-Burdick* when considering regulations on core political speech, which are necessarily severe. *See Curling v. Raffensperger*, 50 F.4th 1114, 1122 (11th Cir. 2022) (noting that under *Anderson-Burdick*, “[i]f we

Indeed, the challenged laws cannot survive any level of meaningful scrutiny.

a. The Volunteer Restrictions

Florida has no legitimate interest in preventing non-citizens or people with certain felony convictions from “collecting or handling” voter registration applications. Fla. Stat. § 97.0575(1) (e), (f). Of course, the state may seek to protect the integrity of its elections and prevent identity theft or other fraud on registration applicants, but there is no basis to believe that the Volunteer Restrictions will serve those interests. Instead, the restrictions are a transparent attempt to make it more difficult for groups like the League to register voters and to dictate who the League and other similar 3PVROs can include in their membership activities.

The legislature passed the Non-U.S. Citizen Volunteer Restriction on the apparent belief that allowing “illegal[s]” to handle voter registration applications would threaten Floridians’ “sensitive information.”¹¹ Yet the Supreme Court has repeatedly held that there is

conclude that the State’s policy imposes a severe burden on the right to vote, we subject the policy to strict scrutiny”).

¹¹ Fla. Senate Floor Debate on SB 7050, at 48:45-49:02 (Apr. 26, 2023), *available at* https://www.flsenate.gov/media/VideoPlayer?EventID=1_nty0d3lq-202304261000.

no legitimate basis for categorically excluding non-citizens from certain occupations or employment. *See, e.g., Bernal v. Fainter*, 467 U.S. 216, 220 (1984). Those decisions are based on the foundational (and unsurprising) conclusion that a person’s citizenship status is irrelevant to whether they will perform a certain function with integrity.¹² *See id.* (invalidating state law prohibiting non-citizens from becoming notaries despite Court’s recognition of “the critical need for a notary’s duties to be carried out correctly and with integrity”); *In re Griffiths*, 413 U.S. 717, 724 (1973) (invalidating prohibition on non-citizen bar membership despite argument that lawyers must maintain public confidence and allegiance to United States).

And while Florida may prevent non-citizens from registering to vote, the state cannot plausibly argue that allowing non-citizens to collect and handle voter registration forms will somehow encourage unlawful or inaccurate voter registration. Moreover, non-citizens frequently perform voter registration services and other civic duties and occupations, and the state can point to no evidence showing that they are likely to persuade

¹² Though the Court has made exceptions for positions “closely bound up with the formulation and implementation of self-government,” *Bernal*, 467 U.S. at 221, that category certainly does not apply to a person who merely assists a 3PVRO with voter registration applications.

others to act unlawfully. *See* Chandler Decl. ¶10; *Griffiths*, 413 U.S. at 722.

Further, the Non-U.S. Citizen Volunteer Restriction is in no way tailored to actually protect the integrity of Florida’s elections. Most fundamentally, it makes no distinction between non-citizens who are legal residents and those who are undocumented; there can be no rational basis for preventing those who are lawfully present in the United States from participating in voter registration activities. *See Estrada v. Becker*, 917 F.3d 1298, 1309 (11th Cir. 2019) (concluding that laws merited different level of scrutiny depending on whether they affected people “lawfully admitted to the United States” or “illegal aliens”).

The provision is also overinclusive because it prevents all “collecting and handling” of voter registration applications. Though that phrase is vague, it almost certainly prevents a volunteer from working under the League’s supervision to simply distribute blank voter registration forms at a voter registration drive or gather completed forms to give to a League member. The statute could easily target the alleged

concern more directly by trying to prevent covered volunteers from retaining sole control over any application.¹³

Moreover, the state is unlikely to show that before SB 7050 was enacted, Florida law failed to sufficiently prevent voter fraud and identity theft in this context. *See, e.g.*, Fla. Stat. §§ 104.011(2) (providing that willful submission of false voter registration information is third-degree felony); 817.568 (criminalizing identity theft); *Meyer*, 486 U.S. at 426-27 (state failed to show that challenged procedures were necessary where pre-existing procedures were “adequate to the task of minimizing the risk of improper conduct.”)

Nor does the statute’s penalty scheme fit any rational state interest. It targets only 3PVROs like the League for associating with certain volunteers. And it imposes staggering penalties — \$50,000 per violation — on a strict-liability basis, punishing 3PVROs regardless of whether they have diligently checked to try to ensure that none of their volunteers are non-citizens. *See Am.-Arab Anti-Discrimination Comm. v. City of*

¹³ Of course, for the reasons described above — principally, that the Non-U.S. Citizen Volunteer Restriction serves no important state interest — even a law without the egregious tailoring problems discussed here would not withstand scrutiny.

Dearborn, 418 F.3d 600, 612-13 (6th Cir. 2005) (invalidating parade ordinance because it created “strict liability regime”).

The Felony Volunteer Restriction also fails under *Meyer*’s standard. As an initial matter, even if people with felony convictions may lose their right to vote, they do not lose the protection of the First Amendment. *See, e.g., Packingham v. North Carolina*, 582 U.S. 98, 108 (2017) (invalidating law limiting sex offenders’ internet access and explaining that “convicted criminals . . . might receive legitimate benefits from these means for access to the world of ideas”); *Hand v. Scott*, 285 F. Supp. 3d 1289, 1306 (N.D. Fla. 2018) (*vacated on other grounds sub nom. Hand v. DeSantis*, 946 F.3d 1272 (11th Cir. 2020)) (“It is legal chicanery to argue an individual convicted of a crime loses her First Amendment associational and expressive interests in the political sphere simply because these rights relate to voting.”).

And although Florida may protect potential voters from identity theft and protect the integrity of its elections, the state cannot make any showing that people convicted of the vast array of included felonies are likely to commit crimes while assisting with voter registration. *See Johnson v. City of Cincinnati*, 310 F.3d 484, 503, 506 (6th Cir. 2002)

(invalidating law limiting travel of people who committed certain drug offenses in part because general evidence of likely recidivism was “insufficient” to override constitutional rights to association and travel).

For a host of reasons, the Felony Volunteer Restriction is not well-tailored to prevent fraud or identity theft, protect election integrity, or serve any other legitimate interest — there are unquestionably “other, reasonable ways to achieve those goals with a lesser burden on constitutionally protected activity.” *Dunn v. Blumstein*, 405 U.S. 330, 343 (1972).

First, the long list of felony convictions that makes a person ineligible to assist a 3PVRO includes entire chapters of the criminal code; many of the felonies in those chapters are the lowest-level felonies and have no conceivable bearing on whether someone is likely to capably and honestly collect and handle voter registration forms. To name just a few examples, the Law disqualifies people who have been convicted of charging too much money for debt management services; unlawfully subleasing a car; “fraudulently alter[ing] or chang[ing] the marks of any animal”; or violating a fiduciary duty by “wasting” the assets of an elderly person. Fla. Stat. §§ 817.802(1); 817.5621; 817.26; 825.103(1)(c). Further,

the Law contains no exception for people who have been convicted of felonies but have had their voting rights restored. Aside from that, SB 7050 appears to rescind a person's First Amendment rights forever regardless of later circumstances — a person who had been convicted of a third-degree felony for one of the crimes listed above would still be unable to help register voters forty years later, even if they had long ago completed their sentence and had their voting rights restored. These failures to tailor the Law demonstrate that the legislature had no genuine interest in protecting Florida's elections or its residents.

The Felony Volunteer Restriction also suffers from some of the same tailoring problems as the Non-U.S. Citizen Volunteer restriction discussed above: it prohibits all collecting and handling of voter registration forms, regardless of whether a volunteer is supervised by other League members and would have no opportunity to engage in fraudulent practices. It focuses enforcement and penalties entirely on the 3PVRO in question without regard to whether the 3PVRO has done everything in its power to comply with the Law. And it fails to account for existing laws that prevent voter registration fraud and identity theft.

b. The Voter Information Restriction

The Voter Information Restriction makes it a third-degree felony to copy a voter’s registration application or “retain[] a voter’s personal information.” Fla. Stat. § 97.0575(7).¹⁴ While the state’s only conceivable interest in maintaining such a restriction is to protect the privacy of applicants’ information, it falls woefully short of meeting *Meyer’s* standard. *See Hargett*, 400 F. Supp. 3d at 726 (holding that state’s ban on retention of applicants’ information without consent did not withstand exacting scrutiny).¹⁵

The Voter Information Restriction fits poorly with any interest in protecting applicants’ private information. Although the statute includes examples of information that may not be retained, it applies to all “personal information,” which would include an applicant’s name and telephone number — the very information the League needs for reminding someone to vote, contacting them to notify them of an error on a completed registration form, or recruiting them to become a League

¹⁴ The law allows retention of personal information for the purposes of “provid[ing] [it] to the third-party voter registration organization in compliance with this section.” But as described in Section II.C., *infra*, that language is too vague to ensure that protected uses of applicant information are not punished.

¹⁵ The Voter Information Restriction is even more burdensome than the one invalidated in *Hargett* because it contains no exception for applicants who consent to share their information.

member. *See* Scoon Decl. ¶¶30-31; *Hargett*, 400 F. Supp. 3d at 726 (noting 3PVRO’s interest in “following up with registrants to facilitate their voting and communicate with them about issues”). And that basic contact information, in contrast to sensitive information like a social security number, is simply not the kind of information that must be protected to serve any state interest in protecting applicants’ privacy. That is made even clearer by the fact that applicants’ information is publicly available on the Secretary of State’s website, and that the NVRA requires the state to maintain a public list of the names and addresses of certain applicants. *See* 52 U.S.C. § 20507(i).

Further, there is no apparent reason for “specific requirements that apply to the retention of information from voter registration drives but to none of the other myriad situations in which individuals hand over their information to third parties.” *Hargett*, 400 F. Supp. 3d at 726. Unless the state can show why retention of basic contact information as a part of voter registration activities is particularly threatening, it cannot justify the burden the Voter Information Restriction creates.

Finally, the provisions in the Receipt Requirement that conflict with the Voter Information Restriction help demonstrate that the Law is

not sufficiently tailored to protect privacy. The Receipt Requirement mandates that 3PVROs provide every applicant with a receipt that includes the applicant's name, political party affiliation, and county of residence, among other things. Fla. Stat. § 97.0575(4). Of course, unless members retain a copy of those receipts, the League will be unable to track and demonstrate its compliance with SB 7050. Thus, either the challenged laws place 3PVROs in the impossible situation of exposing themselves to liability without any opportunity to maintain records to show their compliance, or the Receipt Requirement undercuts any argument that the Voter Information Restriction is a permissible attempt to protect applicants' private information.

c. The Receipt Requirement

As noted, the Receipt Requirement compels League members to provide every applicant with a receipt that includes not only information about the applicant, but the name of the person assisting with registration. *Id.* But no acceptable state interest justifies that requirement, which not only discourages League members from assisting with voter registration, but adds one more logistical burden for all 3PVROs.

It is difficult to conceive of an important state interest that could support the Receipt Requirement — especially the component requiring volunteers to provide their names. While the state may argue that it seeks to deter fraud by requiring those assisting with voter registration to identify themselves, voluminous Supreme Court precedent demonstrates that that interest is nowhere near important enough to outweigh the First Amendment rights at issue. *See Buckley*, 525 U.S. at 198 (striking down Colorado requirement that petition circulators wear identification badges despite state’s interest in apprehension of circulators who commit misconduct); *McIntyre*, 514 U.S. at 348-49 (invalidating ban on anonymous leaflets intended to prevent fraud). And as in *Buckley*, the state could choose other methods of deterring misconduct that do not require volunteers “to reveal their identities at the same time they deliver their political message.” 525 U.S. at 199 (quotation marks omitted).

B. The League is likely to succeed on its overbreadth claims

Even if the challenged laws were permissible in some applications, they would fail because they are overbroad. Under the First Amendment, “[a] regulation that covers substantially more speech than the First

Amendment allows is overbroad and thus invalid.” *Speech First*, 32 F.4th at 1125.

The Volunteer Restrictions are overbroad because they reach far beyond any reasonable scope of the state’s interest in ensuring competent and honest performance of voter registration assistance. SB 7050 prevents all covered volunteers from performing prohibited activities, even if they are in public and supervised by other experienced voter registration agents, covering far more speech than needed.

And even if the state had some interest in forbidding certain non-citizens or some people with felony convictions from assisting with voter registration (it does not), the categories of forbidden volunteers are unconstitutionally broad. The Law forbids *all* non-citizens from taking part in voter registration, even if they are legal residents who have never done anything to indicate that the state should feel compelled to restrict their First Amendment rights. *See* Section II.A.2.a., *supra*; *Estrada*, 917 F.3d at 1309. And likewise, the Felony Volunteer Restriction applies to potential volunteers who have been convicted of crimes that provide no indication they are likely to commit fraud or otherwise dishonestly

register voters on behalf of the League, as well as to people with decades-old convictions and those whose rights have been restored.

This problem is exacerbated by SB 7050's strict liability standard. *See Dream Defenders*, 57 F.4th at 892 (noting that determination of law's mens rea requirement was necessary as part of overbreadth analysis). The League faces a \$50,000 fine each time either of the Volunteer Restrictions is violated, even if it has diligently investigated the background of each of its volunteers. Because there is no requirement that 3PVROs know or should know that a volunteer is disqualified, the Law fails to properly target the activities it purports to prohibit and will discourage voter registration activity that the Law allows. *See id.*; *United States v. Kelly*, 625 F.3d 516, 522 (8th Cir. 2010) (invalidating special release condition on overbreadth grounds and noting that condition's "sweeping reach" was "magnified by its strict-liability phrasing").

The Voter Information Restriction and Receipt Requirement are overbroad as well. Though the state could likely find a permissible way to protect the privacy of an applicant's sensitive information, SB 7050 prohibits all retention of applicants' "personal information." § 97.0575(7). That will prevent the League from retaining basic contact information

for follow-up regardless of whether the applicant requests such communication. Similarly, if there were a justifiable state interest in requiring League volunteers to provide every applicant a receipt, that interest could not justify requiring a volunteer to disclose their name on that receipt. Thus, even if portions of the two restrictions could be permissibly applied in some circumstances, they plainly “cover[] substantially more speech than the First Amendment allows.” *Speech First*, 32 F.4th at 1125.

C. The League is likely to succeed on its vagueness claims

The four challenged provisions are also impermissibly vague. A statute is vague if it either “fails to provide people of ordinary intelligence a reasonable opportunity to understand what conduct it prohibits” or “authorizes or even encourages arbitrary and discriminatory enforcement.” *League of Women Voters of Florida v. Fl. Sec. of State*, 66 F.4th 905, 946 (11th Cir. 2023) (quotation marks and citation omitted). The challenged parts of SB 7050 suffer from both problems.

The Volunteer Restrictions are vague because they do not define what it means to “collect[] or handl[e]” voter registration applications. § 97.0575(1) (e), (f). *See Dream Defenders*, 57 F.4th at 890 (a law is “void

for vagueness if its prohibitions are not clearly defined”) (quotation marks and citation omitted). Most problematically, the word “handle” can mean “to manage with the hands” or “to have overall responsibility for supervising or directing.”¹⁶ The Law likely prevents covered volunteers from physically touching completed voter registration applications during a registration drive. But it is not clear whether those volunteers could translate for League members who are helping someone register, supervise other volunteers who physically collect forms, greet applicants at a welcome table, ask passersby to complete forms, or drive a car with completed applications to a League member. *See, e.g., Priorities USA*, 462 F. Supp. 3d at 817 (holding that law forbidding “hir[ing]” of motor vehicle to assist voters to reach polls was likely impermissibly vague). Because the statute does not answer those questions, the Law fails to provide sufficient guidance to 3PVROs and would allow the state to arbitrarily enforce it.¹⁷

¹⁶ *Handle*, Merriam-Webster Dictionary, <https://www.merriam-webster.com/dictionary/handle#dictionary-entry-2> (last visited Jun. 7, 2023).

¹⁷ Notably, § 97.0575 does not distinguish between (1) “registration agent[s],” who are required to provide their name on the receipt they give to voter registration applicants, Fla. Stat. § 97.0575(4); (2) people who “collect[] or handl[e]” applications, who are subject to the Volunteer Restrictions, Fla. Stat. § 97.0575(1) (e), (f); and (3) people who simply “collect” applications, who are subject to the Voter Information Restriction. Fla. Stat. § 97.0575(7).

The Felony Volunteer Restriction is plagued by additional vagueness because it fails to specify the full scope of people disqualified. While the Law lists many offenses, it fails to address whether people who have been convicted but have had their voting rights restored or have been pardoned are nevertheless included. Further, it does not explain whether 3PVROs may rely on volunteers who have been convicted of comparable felonies under federal law or in other states. For example, while the League may not work with a volunteer who has been convicted of insurance fraud under Fla. Stat. § 817.234, it remains unclear whether it may work with a person who committed the same fraudulent act but was convicted under Georgia Code § 33-1-9, which prohibits similar conduct.

The Voter Information Restriction and Receipt Requirement are also impermissibly vague, especially when considered together. First, the Voter Information Restriction purportedly prohibits the retention of *any* “personal information,” although it lists some examples. This provision leaves 3PVROs without a reasonable understanding of the state’s requirements, and would allow the Division of Elections to refer a

volunteer for felony prosecution for simply retaining an applicant's name and telephone number, even with the applicant's consent.

However, the League faces an even more difficult question, because the Law also requires it to provide a detailed receipt to every applicant, and that receipt must contain the applicant's name and home county. § 97.0575(4). The obvious way to track compliance with that requirement is to keep a copy of each receipt. *See* Scoon Decl. ¶32. But doing so could lead to felony prosecution.¹⁸ This stark lack of guidance means that the Law must be invalidated on vagueness grounds.

* * *

In sum, the League is overwhelmingly likely to succeed on the merits on all four of the provisions challenged here. Each one seriously infringes on the League's First Amendment rights, and none of the four serves a compelling or even important state interest. And even if any of them did, none of the challenged laws is well-tailored to serve those interests. Further, all four are overbroad because they regulate activity

¹⁸ The law allows for a person collecting registration applications to retain voter information "to provide such . . . information to the [3PVRO] in compliance with this section." *Id.* Yet nowhere does Section 97.0575 describe what "compliance" means when a volunteer provides completed applications to the 3PVRO. It does not provide that a volunteer may copy a receipt given to an applicant and give the receipt to a 3PVRO. Nor does it provide that a volunteer may retain an applicant's contact information (with or without the applicant's consent) and give that information to the 3PVRO.

far beyond what is conceivably necessary to achieve a permissible goal, and they are vague because they do not allow the League to fully understand what activities they prohibit.

III. Plaintiffs will suffer irreparable harm absent relief

A preliminary injunction is appropriate if “irreparable injury will be suffered unless the injunction issues.” *Dream Defs. v. DeSantis*, 559 F. Supp. 3d 1238, 1284 (N.D. Fla. 2021) (quoting *Siegel v. LePore*, 234 F.3d 1163, 1176 (11th Cir. 2000)). An injury is irreparable if it “cannot be undone through monetary remedies.” *League of Women Voters of Fla., Inc., v. Detzner*, 314 F. Supp. 3d 1205, 1223 (N.D. Fla. 2018) (quoting *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987)).

As such, “[a]n ongoing violation of the First Amendment constitutes an irreparable injury.” *Dream Defs.*, 559 F. Supp. 3d at 1285 (quoting *FF Cosms. FL, Inc. v. City of Miami Beach*, 866 F.3d 1290, 1298 (11th Cir. 2017)); see also *City Walk - Urb. Mission Inc. v. Wakulla Cnty. Fla.*, 471 F. Supp. 3d 1268, 1287 (N.D. Fla. 2020) (quoting *Elrod v. Burns*, 427 U.S. 347, 373 (1976)) (“The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable harm.”).

In the context of voter registration and elections, the irreparable nature of an injury is heightened because “[o]nce the election comes and goes, ‘there can be no do-over and no redress.’” *Detzner*, 314 F. Supp 3d at 1223 (quoting *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014)); *see, e.g., Fla. Democratic Party v. Scott*, 215 F. Supp. 3d 1250, 1258 (N.D. Fla. 2016) (quoting *League of Women Voters of N.C.*, 769 F.3d at 247) (“[I]f aspiring eligible Florida voters are barred from registering to vote then those voters are stripped of one of our most precious freedoms.”).

The potentially ruinous nature of the Law’s penalties has already caused the League to move at least temporarily to online registration, a drastic change to its method of registering voters that alters the very nature of its work and renders its voter registration activities significantly less effective. *See* Scoon Decl. ¶¶21, 33-34, 41. And any future efforts as a 3PVRO will be irreparably harmed as well.

A. The Volunteer Restrictions will cause irreparable harm

The League is unquestionably experiencing, and will continue to experience, irreparable harm in the absence of injunction. When the Law goes into effect, the League will no longer be able to associate with

members in the way that it chooses due to the Volunteer Restrictions. *See* Scoon Decl. ¶¶ 10-12, 24-25, 31-32. In preparation for the Law to go into effect, the League will be forced to ask invasive questions that are antithetical to its core mission to determine whether members have prior felony convictions or are non-citizens. *See id.* ¶¶ 11-12; Elliott Decl. ¶ 8; Bustinza Decl. ¶ 6; Sheerin Decl. ¶¶ 3-4. These First Amendment injuries cannot be “undone through monetary remedies.” *Detzner*, 314 F. Supp. 3d at 1223.

If the League chooses not to ask these questions due to that harm, the League will face debilitating monetary penalties that could completely deplete its annual budget. *See* Scoon Decl. ¶ 9. And if it does ask the questions but accidentally allows a disqualified person to assist with registration, the penalties will be the same.

Even if the League is never penalized, the Volunteer Restrictions will prevent it from registering voters in the way that has historically been most effective. *See* Chandler Decl. ¶¶ 7-8, 11-12. It will significantly reduce the number of volunteers available because all members who register voters will have to be retrained and recertified; such retraining has previously led to a drop in the number of members willing to do that

work. See Scoon Decl. ¶¶20-22. This will ultimately reduce the number of voters the League will be able to register.

Moreover, the Law does not clarify who exactly who is barred from participation in voter registration. And given the vagueness of the phrase “collect[] or handl[e]” it is also unclear whether those affected individuals could play any role at all in the registration process. Thus, even if the League invests in the retraining necessitated by SB 7050, it will be unable to sufficiently inform its members how to proceed. As voter registration deadlines pass and elections go by, this results in an injury for which “there can be no do-over and no redress.” *Scott*, 215 F. Supp. 3d at 1258.

B. The Voter Information Restriction and Receipt Requirement will cause irreparable harm

The Voter Information Restriction and Receipt Requirement similarly are causing and will continue to cause the League irreparable harm. First, the unanswered question of how to comply with both the Voter Information Restriction and prove compliance with the Receipt Requirement has already led to uncertainty that will affect the League’s training process and the success of its registration drives.

In addition, members have stated that they will discontinue participation in not register voters if they are required to provide their names on a receipt. *See* Scoon Decl. ¶27; Elliott Decl. ¶¶5-7. Fewer members engaged in voter registration means fewer voters registered. *See* Scoon Decl. ¶23. Further, it will take time for the organization to develop and implement a receipt process, meaning it will miss opportunities to register voters in the meantime, not to mention the cost of creating and distributing the receipts.

The Voter Information Restriction will prevent the League from following up with voters, reducing the League's effectiveness in voter registration even further. The League will also miss out on the opportunity for new applicants to become League members. *See* Scoon Decl. ¶¶29-31. Overall, these restrictions reduce the effectiveness of the League's voter registration activities and will prevent it from effectively recruiting and retaining members.

* * *

The Law will take effect on July 1, 2023, only a few weeks from today. Considerable resources and staff time are being diverted from the League's other programs and initiatives to figure out a plan for

compliance, adjust training materials, and determine the League's path forward. *See id.* ¶¶20-21, 28, 33-34. As noted, the vagueness of the Law makes precise planning impossible, meaning that the League is unable to provide its members and local chapters with the definitive guidance needed to move forward. *See id.* ¶¶33-34; Bustinza Decl. ¶10.

The League engages in voter registration in an ongoing manner throughout the year, meaning that the diversion of resources and staff time as well as the redevelopment of training materials and restructuring of the voter registration process are affecting the League's activities now, and the impact will be fully realized if the Law is not enjoined immediately. *See* Scoon Decl. ¶¶14-18, 20-21, 28, 33-34, 41.

IV. The balance of equities weighs in Plaintiffs' favor, and a preliminary injunction is not adverse to the public interest

The grievous injury to the League's First Amendment rights outweighs any interest that Florida has in enforcing the challenged laws, and the public will be served by a preliminary injunction. *See Otto*, 981 F.3d at 870 (noting that when the nonmovant is the government, the third and fourth requirements of the preliminary injunction test may be consolidated).

As discussed in detail above, the challenged laws seriously infringe on the League’s First Amendment rights and prevent the League from speaking freely, associating with others, and carrying out one of its main associational activities: registering more voters. And when the League “loses an opportunity to register a voter, the opportunity is gone forever.” *Browning*, 863 F. Supp. 2d at 1167.

By contrast, neither Florida nor the public has any interest in enforcing unconstitutional laws. *See Otto*, 981 F.3d at 870; *KH Outdoor, LLC v. City of Trussville*, 458 F.3d 1261, 1272 (11th Cir. 2006). Further, it is unlikely that an injunction “will cause any damage to the state at all” — defendants cannot show that the Law serves even an important interest or that the pre-SB 7050 regulatory regime has harmed or will harm the people of Florida or its elections. *Browning*, 863 F. Supp. 2d at 1167. Indeed, an injunction here will “keep the status quo for a merits decision,” simply requiring officials to continue to enforce the law as it is now and will be at least until SB 7050’s implementation date of July 1, 2023. *Vital Pharms., Inc. v. Alfieri*, 23 F.4th 1282, 1290 (11th Cir. 2022) (quotation marks and citation omitted). Finally, without an injunction, “the amount of First Amendment-protected political speech and activity

will be reduced and the public will receive less information about” voter registration and “have fewer opportunities to associate with Plaintiffs in a meaningful way.” *Cobb*, 447 F. Supp. 2d at 1340.

CONCLUSION

For these reasons, the court should immediately enjoin enforcement of the four challenged provisions. Allowing the Law to take effect will severely and irreparably harm the League in violation of the First Amendment.

LOCAL RULE 7.1(C) CERTIFICATE OF CONFERRAL

On June 12, 2023, counsel for Plaintiffs conferred with counsel for both Defendants. The Defendants oppose the Motion.

LOCAL RULE 7.1(F) CERTIFICATE

This Memorandum contains 10,243 words and the Motion contains 183 words.

Dated: June 12, 2023

Respectfully submitted,

/s/ Danielle Lang

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC.; LEAGUE
OF WOMEN VOTERS OF
FLORIDA EDUCATION FUND

Plaintiff,

Case No. 4:23cv216-RH-MAF

v.

ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,

Defendants.

**DECLARATION OF CECILE SCOON IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Cecile Scoon, declare as follows:

1. I am competent to make this declaration.

2. I serve as Co-President of the League of Women Voters of Florida, Inc., and League of Women Voters of Florida Education Fund (collectively “LWVFL” or “the League”), formed under Section 501(c)(4) and 501(c)(3) of the Internal Revenue Code, respectively. I have been involved with the League since 2008. I have served as President since June 2021. Prior to that I served as First Vice President for two years, and as Returning Citizens Chair. As President, I oversee and coordinate the activities of the League on a statewide level.

League of Women Voters of Florida

3. The League is a nonpartisan, nonprofit organization whose mission is to facilitate informed and active participation in government by all Americans, increase understanding of major policy issues, and advocate for legislative changes and policies for the public good.

4. We accomplish this mission, in part, by encouraging eligible Florida citizens to register to vote, including by assisting them with the process, and promoting robust civic participation through voter education and assistance to facilitate their participation in the electoral process. Conducting the voter registration events themselves is an important way in which we engage citizens on the importance of not only political

participation and civic engagement, but also political reforms and other issues that are important to the League.

5. We also regularly engage in other activities central to the League's mission, including community outreach, education, direct advocacy on local and statewide ballot initiatives, and legislative advocacy related to voting and elections.

6. LWVFL is a state affiliate of the League of Women Voters of the United States ("LWVUS"), a national organization founded in the 1920s.

7. LWVFL has 29 local chapters across the state, from Pensacola to the Keys. Local chapters conduct voter registration events in both the counties in which they are based as well as in other neighboring or nearby counties where there is not a local chapter.

8. LWVFL currently has more than several thousand dues-paying members and an even greater number of supporters and volunteers, all of whom receive regular communications from the League. We also serve and associate with non-member Floridians. We rely on both dues-paying members and non-member volunteers to conduct many of our activities, and particularly rely on members to carry out our voter registration activities. In total, LWVFL has only two full-time paid staff members,

three part-time staff, and one contract bookkeeper. When financially able, we also occasionally have paid interns.

9. LWVFL's annual program budget for the last fiscal year was approximately \$268,425, and we anticipate that our budget for the next few years will be similar. That amount is consistent with the LWVFL's budget in recent years.

10. The League adheres to diversity, equity, and inclusion principles, including that there "shall be no barriers to full participation in this organization on the basis of . . . any . . . characteristic that can be identified as recognizing or illustrating diversity." We consider these principles to be "central to the organization's current and future success." The League's diversity, equity, and inclusion policies are attached as Exhibit A.

11. According to those values, we do not probe our members for information on their citizenship or felony conviction status. Doing so would require LWVFL to divert significant time, effort, and resources from our other programs and activities. Moreover, excluding individuals from League membership or membership activities on the basis of their citizenship or felony conviction status would conflict with the

associational values that we strive to cultivate and abide by in all aspects of our work.

12. Our focus on marginalized voters and commitment to assisting all voters, regardless of party, economic status, or race, is a significant factor in our ability to gain the trust of these communities that is necessary to reach prospective voters and effectively help them through the registration process.

LWVFL Voter Registration Activities

13. The League and our local chapters devote significant time and resources to encouraging voter participation by regularly conducting voter registration drives at a variety of public locations and events, including local high school, college, and university campuses, libraries, grocery stores, malls, public assistance offices, naturalization ceremonies, and community events such as fairs, festivals, and cookouts.

14. In an average year, LWVFL conducts hundreds and sometimes thousands of voter registration events across the state. We conduct voter registration in an ongoing manner throughout the year, often with multiple events each week and sometimes multiple events in one day. A single chapter—Palm Beach County—has registered more

than 1,600 voters already this year at over 50 voter registration events, registering 965 voters in the month of May alone.

15. We plan to conduct voter registration during the Juneteenth “Votercade” in fifteen cities, from approximately June 18-26. The Palm Beach County chapter alone has nine voter registration events planned for the month of June. The Broward County chapter plans to conduct voter registration on July 2, 2023 at the “We the People” march. We also plan to conduct registration at events throughout the state for the July Fourth holiday.

16. At voter registration events, League members do their best to assist as many prospective voters as they can to complete their voter registration applications. The members then collect and deliver the applications to the appropriate election official. Over the course of a given year, the League typically collects and submits over 40,000 voter registration forms, making LWVFL among the most effective 3PVROs in Florida.

17. Before the passage of Senate Bill 7050 (hereinafter the “Law”), which makes numerous changes to Florida’s election laws, including several provisions related to third party voter registration

organizations (“3PVROs”), LWVFL planned to continue the breadth of our voter registration work, and to expand our voter registration work in the coming months. Because the 2024 presidential election cycle has begun, LWVFL was planning to engage in even more voter registration work than it has in recent years to meet the increased interest in voter registration during a presidential election cycle.

18. LWVFL focuses not only on registering voters for statewide and national elections, but also for local elections. These elections occur in cities across Florida nearly every month, with some months having multiple local elections. For example, there is a municipal election in Ocala (Marion County) on September 19, 2023, followed by a primary in Homestead (Miami-Dade County) on October 3, 2023.

Member Voter Registration Training

19. To facilitate our voter registration work, the League employs a comprehensive training and certification program that League members must complete before being permitted to register voters on behalf of the LWVFL as a 3PVRO. Members must achieve a perfect score on the assessment following the training in order to be certified. A copy of the League’s assessment is attached as Exhibit B.

20. In response to the Law, the League will have to revamp our training to incorporate the Law's new requirements. This will entail a significant outlay of staff time, effort, and financial resources that will have to be diverted from other programs and activities, including voter services and education, candidate forums, election protection, work with returning citizens, get out the vote efforts, legislative and advocacy work, fundraising, and communications, among others. The League already had to cancel programs, including a DEI program, at its annual convention in order to discuss the League's response to SB 7050.

21. If the Law goes into effect, all members will need to be retrained. This will require the League to invalidate the certification of all our Registered Agents effective July 1 and mandate that they take the training again before they can register voters after the law is enacted. In addition, LWVFL has decided that, absent injunctive relief, no League member will use the paper voter registration method after July 1 and will instead use online voter registration. If any potential registrant wants a paper application, we will give them the form to fill out and deliver themselves. Our experience has shown that people really want the League to help them with voter registration. We know that many people

do not have all the requirements for online registration, and we believe that the number of registrants will diminish greatly. Because our voter registration activities are year-round, this will inevitably lead to the cancellation or curtailing of some voter registration events. If the Law is enjoined, the League plans to continue utilizing paper applications, as it has for many years.

22. The League expects it will see a significant decrease in Registered Agents who can participate in voter registration activities as a result. This is in part due to LWVFL's experience having to decertify our Registered Agents in 2021 in response to the passage of SB 90. Before the passage of SB 90, the League had 1,077 people certified to register voters. We wiped those certifications in May 2021. It took until April of this year—nearly two full years—to get our number of Registered Agents back up to the 1,077 that we had prior to SB 90. Fewer Registered Agents means fewer people who are able to get out the League's pro-voting message, engage in voter registration drives, and, ultimately, fewer registered voters.

Effective Outreach

23. LWVFL encourages our members to interact with and provide assistance to people seeking to register to vote during voter registration drives. The League encourages a wide range of members to participate in voter registration activity because engaging with a diverse population is important to the League's associational activity and organizational mission. In the League's experience, the more members present to help with a voter registration drive, the more effective the drive—particularly when the members reflect the broad demographic range of voter registration applicants that LWVFL aims to serve.

24. LWVFL worked hard to secure the passage of Amendment 4 by Florida voters in 2018. Since its enactment, LWVFL has focused particularly on providing education and assistance to returning citizens seeking to exercise their right to vote, including by assisting them with registering to vote. One way we do so is by hosting cookouts focused on this community. We host the cookouts at our office or a nearby park, set up a tent, play music, and barbecue. We use the opportunity to talk with attendees about civic engagement and voting. At our last event like this in Bay County, approximately 100 people attended and about 50% of the

attendees were returning citizens. Excluding returning citizens from membership—or a core activity of our members, voter registration drives—is entirely contrary to the League’s values, sends a message that the League is not accepting of returning citizens, and undermines the League’s efforts to build trust within this community.

25. The League likewise seeks to educate and assist newly naturalized American citizens who have never before participated in Florida elections. When possible, the League conducts voter registration events at naturalization ceremonies. Excluding those who have not yet received U.S. citizenship from membership—or a core activity of our members, voter registration drives—is entirely contrary to the League’s values, sends a message that the League is not accepting of noncitizens, and undermines the League’s efforts to build trust within immigrant communities.

Member Identification

26. When conducting voter registration drives, members who assist applicants clearly affiliate with LWVFL and may provide their first name, but do not typically give out any other identifying information. This is common practice in part to protect the safety and wellbeing of

members who often interact with unknown individuals from all over the state at any given voter registration drive. Correspondingly, LWVFL does not currently track which member registers which individual voter.

27. The Law's requirement that members provide a receipt that includes their name to each voter they register would deter members from participating in voter registration activities. Members have expressed worry about being targeted by election police as a result of the identification requirement. Some members have indicated that, rather than open themselves to the risk of being targeted, they would stop participating in voter registration activities with LWVFL.

28. Further, the League would have to expend staff time and resources to develop a receipt form to use as soon as the Law goes into effect, as LWVFL does not currently provide a receipt and the Law does not require the state to develop a form for the receipt until October.

Effective Follow-up

29. When conducting voter registration drives, LWVFL occasionally retains, with applicants' consent, certain information, including the voters' name, address, and contact information. The Law

would prohibit LWVFL from retaining information about voters in this manner.

30. This information allows us to engage in several additional steps that are critical to our voter engagement. First, follow-up communication allows League members to correct any potential errors or omissions on voters' registration forms that are discovered through our review of the collected forms. Second, the information allows us to provide newly registered voters with information about upcoming elections. Third, it allows us to send reminders encouraging these new voters to exercise their vote when elections occur. These follow-up communications are critical to the League's overall mission of encouraging informed and active participation in government by all Americans.

31. The Law would prevent us from retaining the information necessary to follow up with individuals in a way that is critical to expressing the League's message that voters should participate in the electoral process, and is necessary in order for us to continue associating with the voters whom we have helped to register.

32. Further, the inability to retain personal information would put us in a bind because our members would have to collect the

information to give the voter a receipt, but then ostensibly could not retain a copy of the receipt in order to prove compliance with that provision.

Minimizing Risk

33. As stated above, the vague and punitive requirements of the Law are causing LWVFL to consider entirely changing our model of voter registration in a way that would significantly diminish the effectiveness of our efforts and would meaningfully curtail our voter registration work as a whole.

34. Absent injunctive relief, we are planning to no longer engage in voter registration as a 3PVRO. Currently, the League uses paper voter registration forms that include the organization's 3PVRO number. League members collect these forms and turn them in to the proper elections official. Unless the Law is enjoined, we will cease to use paper voter registration forms and instead solely engaging in online voter registration. We would not take this action if the Law were enjoined.

35. Online voter registration has meaningful disadvantages to the paper voter registration system that LWVFL has been using for years. The first disadvantage is the cost of switching to online

registration. We would have to purchase tablets, laptops, and Wi-Fi hot spots so that voters could access the online forms. We have a fixed budget, and the amount of technology the League could purchase would limit the number of people who could register to vote at one time, decreasing the effectiveness and efficiency of voter registration drives at large events.

36. Second, the technology itself is a limitation. Not all League members have the technical proficiency to quickly navigate the online system, nor do all those potential voters who the League seeks to register. The technology would have to be charged periodically, which may not be possible at all-day events or events where there is not easy access to electricity. Further, not all areas of Florida have reliable broadband access.

37. Third, the online system makes it more difficult for League members to review the registration form for errors or omissions. When registering voters with paper forms, the League has a policy of at least two members reviewing each form. The online system would not allow for this level of review and could likely result in a higher occurrence of incomplete or inaccurate registration forms.

38. Fourth, the online system has stricter identification requirements than the paper form. While the paper form allows a person to register with a social security number, the online form requires the applicant to have a current and valid Florida driver license or Florida Identification card. Without this information, an applicant cannot complete their registration online. The communities in which people are disproportionately less likely to have a driver license are the communities that we seek to reach the most. If we have to move to online registration, it would mean turning away voters that want to register, which is antithetical to our mission.

39. Fifth, the effectiveness of the League's registration efforts is tied to the personal connection created when a member assists a registrant with filling out their paper registration form. Without that connection, some potential registrants will not engage with LWVFL. Further, some potential registrants do not trust an online registration process and will decline to register for that reason.

40. Finally, the 3PVRO number on paper voter registration forms allows the League to track the number of voters that we are able to register each year. These figures are the way we prove the efficacy of the

organization to those who fund our work. Online registration does not allow us to track registration numbers in this manner, and may result in the League losing out on grant and fundraising opportunities critical to continuing our voter registration efforts into the future.

Conclusion

41. In sum, the Law will limit our ability to associate with those we choose when conducting our voter registration activities and our ability to recruit and retain volunteers. We will have to intrude on our members' privacy to ask about their citizenship and felony status in a way that violates our core values. The Law will curtail our ability to follow up with community members about civic participation and prevent us from spreading messages core to our mission in an effective manner. We will have to divert funds, staff time, and resources from other programs and activities to meet the Law's requirements, including potentially altering our entire voter registration model. The Law's restrictions will impose debilitating costs, specifically on our voter registration operations and threaten to force us to slow down, or even pause, those activities in order to re-train our members and establish new and costly compliance measures. Ultimately, we will need to make some

significant long-term changes to avoid incurring civil and criminal penalties. We will have to do so expeditiously, as every day we delay we lose opportunities to register voters ahead of upcoming elections and carry out our mission.

A handwritten signature in black ink that reads "Cecile M. Scoon". The signature is written in a cursive style with a large, stylized "M" and "S".

Cecile Scoon

Exhibit A

THE LEAGUE OF WOMEN VOTERS IS PROUDLY NONPARTISAN,
NEITHER SUPPORTING NOR OPPOSING CANDIDATES OR POLITICAL
PARTIES AT ANY LEVEL OF GOVERNMENT.

[CLICK HERE TO READ OUR NONPARTISAN POLICY](#)



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THE LEAGUE OF WOMEN VOTERS OF FLORIDA

For 100+ years, we have been a nonpartisan, activist, grassroots organization that believes voters should play a critical role in democracy.

BECOME A MEMBER TODAY

Mission

Empowering voters. Defending democracy.

Vision

We envision a democracy where every person has the desire, the right, the knowledge and the confidence to participate.

Value

We believe in the power of women to create a more perfect democracy.

Diversity, Equity & Inclusion

The League of Women Voters of Florida is an organization fully committed to diversity, equity, and inclusion in principle and in practice. Diversity, equity, and inclusion are central to the organization's current and future success in engaging all individuals, households, communities, and policy makers in creating a more perfect democracy.

There shall be no barriers to full participation in this organization on the basis of gender, gender identity, ethnicity, race, native or indigenous origin, age, generation, sexual orientation, culture, religion, belief system, marital status, parental status, socioeconomic status, language, accent, ability status, mental health, educational level or background, geography, nationality, work style, work experience, job role function, thinking style, personality type, physical appearance, political perspective or affiliation and/or any other characteristic that can be identified as recognizing or illustrating diversity.

Our organization services as a state chapter of the League of Women Voters (LWV), a nonpartisan political organization. The League of Women Voters operates on three tiers to effectively engage with voters and government at all levels.

Exhibit B

LWVFL Voter Registration Volunteer Quiz

May 6, 2021 - June 30, 2023

All volunteers who want to conduct voter registration events on behalf of the League of Women Voters of Florida must score 100% on this online quiz before their first voter registration event.

Before you begin this quiz, please make sure that you have reviewed the League's online training, available at this link: <https://lwvfl.org/wp-content/uploads/2022/05/LWV-Policies-Registering-Voters-in-Florida-May-2022-Updated.pdf>

 [Switch account](#)

 Not shared



* Indicates required question

Please type your first and last name in the space below to indicate your interest in * this program.

Your answer

What is your email address? *

Your answer



What is your League *

Choose ▼

1. League volunteers should never change the voter's information on a voter registration form, or fill in blank spaces. * 10 points

True

False

2. Voter Registration forms must be delivered to the Supervisor of Elections (SOE) in the county in which the applicant resides or mailed or delivered to Division of Elections in Tallahassee within the earlier of 14 days or must be delivered before registration closes for the next election, whichever first occurs. That means that the time to turn in the completed registration form can be shorter than the 14-day timeframe. * 10 points

True

False

3. You should never wear partisan or campaign gear while registering voters on behalf of the League. * 10 points

True

False



4. Which of the following should you write on the voter registration form when the form is submitted? * 10 points

- Date Collected
- LWVFL's third party voter registration number
- All of the above
- None of the Above; you should not write anything on the form

5. While conducting voter registration, you should maintain a sign-up sheet for people to provide their email address and telephone number if they choose. * 10 points

- True
- False

6. League volunteers must limit their League voter registration activities to formal registration drives only; they cannot register voters on an ongoing basis on behalf of the League. * 10 points

- True
- False

7. In Florida a citizen must register 29 days prior to an election in order to vote in that election. * 10 points

- True
- False



8. Registration forms may be downloaded from the Florida Division of Elections website or picked up from your local Supervisor of Elections office.

* 10 points

- True
- False

9. Each volunteer who handles voter registration forms on behalf of the League must be a member who has completed the League's voter registration training and passed our online quiz.

* 10 points

- True
- False

10. After your voter registration event, you should contact your League's President and/or Voter Service Chair to let them know that you've turned in all collected forms to your local Supervisor of Elections within the allowed timeframe.

* 10 points

- True
- False

11. The black highlighted numbers on the form, lines 1-7 and 12, must be completed for all new registration

* 10 points

- True
- False



12. Post office boxes are not accepted as a mailing address for the purpose of establishing residence.

* 10 points

- True
- False

13. Dorm addresses are accepted for legal residency for college students. However, a postal mailing address must be provided if they don't receive postal mail at the dorm.

* 10 points

- True
- False

14. Citizens may pre-register on or after their 16th birthday and they may vote in any election held on or after the 18th birthday.

* 10 points

- True
- False

15. Online voter registration is especially convenient for millennials because there is no paper form to fill out; everything is easily completed online using either a cell phone, laptop, or tablet.

* 10 points

- True
- False



16. If a person convicted of a felony (excluding felony sex offenses or murder) is not sure that they have completed their sentence, they should still register to vote and find out later if they have had their rights restored. * 10 points

- True
- False

17. A person convicted of a felony (excluding felony sex offenses or murder) who has completed their sentence needs to show proof of sentence completion when they register to vote. * 10 points

- True
- False

PLEASE SELECT "ALL OF THE ABOVE" AND PROCEED. THIS QUESTION IS NOW VOID DUE TO A NEW LAW PASSED IN 2022 (Senate Bill 524). 18. * 10 points

When registering people to vote you must notify and inform the applicant at the time the application is collected either verbally or with provided signage that the organization

- Might not deliver the application to the division or the supervisor of elections in the county in which the applicant resides in less than 14 days or before registration closes for the next ensuing election.
- Must advise the applicant that he or she may deliver the application in person or by mail.
- Must advise the applicant how to register online with the division.
- Must advise how to determine whether the application has been delivered.
- All of the above

Submit

Clear form



This form was created inside of League of Women Voters of Florida. [Report Abuse](#)

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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC.; LEAGUE
OF WOMEN VOTERS OF
FLORIDA EDUCATION FUND

Plaintiff,

Case No. 4:23cv216-RH-MAF

v.

ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,

Defendants.

**DECLARATION OF DEBRA A. CHANDLER IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Debra A. Chandler, declare as follows:

1. I am competent to make this declaration.

2. I serve as Co-President of the League of Women Voters of Florida (“LWVFL” or “the League”). I am an attorney and spent twenty-five years working as an Assistant Public Defender. I joined the League in October 2015 and became Second Vice President within six months. In April 2022 I was appointed to the statewide board of directors and served as Chair for restoration of voting rights for returning citizens. At our 2023 convention I was elected Co-President of LWVFL. I have been involved in a significant volume of voter registration at the local level throughout my more than seven years in the League.

3. Through my service in leadership roles with the League, I am aware of LWVFL members in Palm Beach County who have felony convictions that would prevent them from registering voters under SB 7050 (hereinafter “the Law”).

4. These members are returning citizens who are themselves ineligible to vote or have their rights restored under Florida law, but they have actively participated in registering voters on behalf of the League.

5. Due to the nature of their convictions, their restitution is of such a magnitude that they are unlikely to be able to pay it. Absent a change in the law, they are unlikely to ever be able to vote again.

6. These members expressed to me that they are heartbroken because helping to register voters is the only way they can tangibly take part in the voting process, but the new restrictions imposed by SB 7050 will bar them from doing so. This was their way to contribute to democracy and now they will have that last element of civic participation taken away. This law is punishing returning citizens for participating in democracy when we should be encouraging them to reenter and take part in society.

7. In the League's experience, relying on members who are part of the communities where returning citizens live and work, especially members who themselves are returning citizens, is the most effective way to reach this population of eligible voters because it generates greater connection and trust with prospective voters when those voters can hear from people with similar backgrounds or circumstances.

8. Barring these members from registering voters will prevent the League from engaging with these eligible voters in the way that is, based on our experience, most effective. It would limit our opportunity to associate with these communities and would diminish the efficacy of LWVFL's voter registration efforts.

9. These members have asked to remain anonymous due to the stigma associated with felony convictions.

10. I am also aware of members in Miami-Dade County who have legal residency in Florida but who nevertheless are not U.S. citizens. These members have participated in voter registration activities and have also helped to translate during voter registration drives.

11. The Law would prohibit these noncitizen LWVFL members from registering voters, which is one of only ways they can participate actively in the democracy that affects their lives on a daily basis.

12. The Law would prevent the League from utilizing our connections to register voters in the way that is, in the League's experience, most effective: by working directly with members of immigrant communities to best reach newly naturalized citizens. It would limit the League's opportunity to associate with these individuals and would diminish the efficacy of LWVFL's voter registration efforts.



Debra A. Chandler

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

**LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC.; LEAGUE
OF WOMEN VOTERS OF
FLORIDA EDUCATION FUND**

Plaintiff,

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v.

**ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,**

Defendants.

**DECLARATION OF JONATHAN DIAZ IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Jonathan Diaz, declare as follows:

1. I am an attorney representing Plaintiffs League of Women Voters of Florida, Inc., and League of Women Voters of Florida Education Fund

(collectively “LWVFL” or “the League”). I have been employed by the Campaign Legal Center since 2018. I currently serve as Director of Voting Advocacy and Partnerships. I am over the age of 18 and competent to testify as to the matters set forth in this affidavit based upon my own personal knowledge. This declaration is submitted in support of Plaintiffs’ Motion for Preliminary Injunction.

2. On June 12, 2023, I retrieved a copy of the Voter Registration Applications Received and/or Provided by Third Party Voter Registration Organizations from the Florida Department of State, Division of Elections website, at tpvr.elections.myflorida.com/Applications.aspx, of which a true and correct excerpted copy is attached as Exhibit A to this declaration.

I declare under penalty of perjury and the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 12th day of June, 2023, in Washington, D.C.


/s/ Jonathan Diaz
Jonathan Diaz

Exhibit A

Active Organizations

**Voter Registration Applications
Received and/or Provided**

Terminated Organizations



Third Party Voter Registration Organizations (3PVROs)

Florida
Department
of State
[Division of
Elections](#)

Printing Note: If you want to print just a section of this page please highlight the section then click *File/Print* and select *print selection*. If you print without selecting a section the entire list will print.

DISCLAIMER: The Florida Third Party Voter Registration (3PVRO) database is not intended, nor should it be used, as a source for Florida voter registration statistics. The 3PVRO database reflects the cumulative number of voter registration applications submitted by a 3PVRO to the state since the time of a 3PVRO's registration. Please note that a voter application submitted by a political party does not necessarily translate directly into a voter registered for that party as all 3PVROs must collect and submit registrations regardless of party affiliation.

Voter Registration Applications Received and/or Provided

Any column in the table below can be sorted by clicking on the underlined heading. For example: if you click on the heading "3PVRO's Name" all organizations will be in alphabetical order.

<u>ID Prefix</u>	<u>ID</u>	<u>3PVRO's Name</u>	<u>State Applications Provided</u>	<u>Federal Applications Provided</u>	<u>Total State & Federal Applications Provided</u>	<u>Blank State Applications Received</u>	<u>Blank Federal Applications Received</u>	<u>Total Blank Federal & State Applications Received</u>	<u>Non-Blank State Applications Received</u>	<u>Non-Blank Federal Applications Received</u>	<u>Total Non-Blank State & Federal Applications Received</u>
3P	11-89	The Florida Democratic Party	109581	2996	112577	23278	395	23673	672552	475	673027
3P	18-41	UnidosUS	1521	1	1522	4362	0	4362	147228	0	147228
3P	16-65	New Florida Majority Education Fund	34784	9	34793	4634	0	4634	118149	0	118149
3P	14-96	Community Voters Project, a project of Fair Share Education Fund	63655	0	63655	3879	0	3879	100440	16	100456
3P	11-103	National Council of La Raza/Democracia USA	63160	0	63160	1138	0	1138	96692	0	96692
3P	11-93	Republican Party of Florida	90640	668	91308	3261	0	3261	93398	5	93403
3P	13-3	Mi Familia Vota Education Fund	69752	0	69752	1584	0	1584	71467	0	71467
3P	17-58	Hispanic Federation	58300	1	58301	1401	0	1401	70684	248	70932
3P	18-62	Organize Florida Education Fund	59062	200	59262	643	0	643	56848	0	56848
3P	19-96	Tides Advocacy-Poder Latinx	40451	0	40451	137	0	137	52207	2	52209
3P	12-197	Florida Immigrant Coalition, Inc.	15091	118	15209	2786	4	2790	50198	0	50198
3P	19-102	Florida First, Inc	1191	0	1191	18	0	18	48801	0	48801
3P	12-136	League of Women Voters of Florida	37450	9	37459	645	10	655	47890	76	47966
3P	16-301	GRSG Company	36710	0	36710	5464	0	5464	47190	0	47190
3P	18-198	Florida Rights Restoration Coalition, Inc	16490	0	16490	567	0	567	44011	0	44011
3P	18-84	GRSG Company	25033	250	25283	2364	0	2364	42185	0	42185
3P	18-23	NexGen America	1846	0	1846	466	0	466	36080	35	36115
3P	18-37	The First Coast Leadership Foundation	31450	2	31452	1175	0	1175	33971	352	34323
3P	18-6	Florida Conservation Voters Education Fund	210	0	210	13	0	13	28127	0	28127
3P	21-9	Florida Rising Together	23816	1	23817	1131	0	1131	26076	0	26076

**IN THE UNITED STATES DISTRICT COURT
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TALLAHASSEE DIVISION**

LEAGUE OF WOMEN VOTERS
OF FLORIDA, INC.; LEAGUE
OF WOMEN VOTERS OF
FLORIDA EDUCATION FUND

Plaintiff,

Case No. 4:23cv216-RH-MAF

v.

ASHLEY MOODY, in her official
capacity as Attorney General of
Florida, CORD BYRD, in his
official capacity as Florida
Secretary of State,

Defendants.

**DECLARATION OF KATHY SHEERIN IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Kathy Sheerin, declare as follows:

1. I am competent to make this declaration.

2. I serve as Co-Chair of Voter Services for the League of Women Voters of Orange County (“the Orange County League”). I am also a board member for the Orange County League. I joined the Orange County League in 2015 and have since been significantly involved in its voter registration efforts.

3. As such, I am highly uncomfortable with prohibiting noncitizens and those with felony convictions from registering voters under SB 7050 (hereinafter “the Law”). Asking volunteers for this information is an invasion of their privacy and is contrary to the principles of the League.

4. The Orange County League is a staunch supporter of returning citizens and we feel strongly that these individuals should be able to participate in our democracy. Even if they cannot themselves vote, they should be able to help register others to vote. The Law prevents such participation and inhibits the Orange County League from fulfilling its mission encouraging voters to register through the help of volunteers.

5. The Orange County League’s voter registration efforts will be further undermined by the Law’s requirement that we provide receipts to voter registrants that include volunteers’ personal information.

6. I have spoken to other Orange County League members who have expressed serious concern about providing their personal information on an official document in this capacity due to the polarized political climate in the state of Florida. They are worried about being targeted.

7. The Law requires us to provide receipts to registrants, and yet prohibits us from retaining copies of the receipts. Consequently, I am concerned about the potential for nefarious alterations of receipts by those intentionally targeting volunteers and the Orange County League.

8. The ambiguities of the receipt requirement, coupled with the Law's prohibition on retention of voter registrants' personal information, is leading the Orange County League to adopt new, less effective methods of voter registration.

9. Prior to the Law, we would register voters by assisting registrants in filling out paper applications. Orange County League members would then collect and submit those applications on behalf of registrants. Because of the Law's restrictions, the Orange County League has stopped using this method.

10. Instead, Orange County League volunteers provide registrants with a QR code that leads to Florida's online registration

website. Online registration is less accessible, however, because it requires the registrant to provide two forms of identification. Paper applicants only require one form of identification.

11. Online registration is more burdensome for older registrants, who are not always adept with technology. Nor does every registrant have a smartphone to scan a QR code.

12. Alternatively, if we provide a paper application to a registrant, we would no longer take possession of the form for submission. We would provide a stamped envelope, but the registrants must fill out the form and remember to mail it to the correct elections official themselves. Sometimes people forget to do so, and the Orange County League can no longer guarantee that paper applications are submitted.

13. Providing stamped envelopes is not a suitable alternative in the long term because it is also a financial burden for the Orange County League. Smaller League chapters will be disproportionately affected by the expense.

14. The Law would prevent the Orange County League from registering voters in the most effective and accessible, as well as least costly, manner.

Kathy Sheerin
Kathy Sheerin

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

<p>LEAGUE OF WOMEN VOTERS OF FLORIDA, INC.; LEAGUE OF WOMEN VOTERS OF FLORIDA EDUCATION FUND</p> <p style="text-align:center">Plaintiff,</p> <p style="text-align:center">v.</p> <p>ASHLEY MOODY, in her official capacity as Attorney General of Florida, CORD BYRD, in his official capacity as Florida Secretary of State,</p> <p style="text-align:center">Defendants.</p>	<p>Case No. 4:23cv216-RH-MAF</p>
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**DECLARATION OF MONICA BUSTINZA IN SUPPORT OF PLAINTIFFS’
MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Monica Bustinza, declare as follows:

1. I am competent to make this declaration.
2. I am a board member of the League of Women Voters of Florida (“the League”). I joined the League as a college student ten years ago, and previously served as the Chair of Voter Services for the League’s local chapter in Miami-Dade County.
3. I have spearheaded voter registration drives and helped recruit new volunteers throughout my time as a League member. This new law, SB 7050 (hereinafter “the Law”), puts both leaders and volunteers in an uncomfortable position.
4. Third-party voter registration organizations, including the League, rely on volunteers. Miami-Dade County is predominantly composed of minority communities, in which people have expressed fear about their citizenship status.
5. The Law would prohibit noncitizens and those with certain felony convictions from participating in voter registration efforts. Such a prohibition will deter those who might otherwise volunteer for organizations like the League.
6. Asking questions about citizenship and felony status is also antithetical to the League’s values. The League strives to ensure equal access to the ballot box and aims to create a more inclusive, vibrant democracy. Excluding members from our voter registration activities because of their citizenship status is contrary to what we stand for. Citizenship status has nothing to do with someone’s ability and desire to help others register to vote.
7. Black and Brown communities rely heavily on third-party organizations to register to vote and acquire information about upcoming elections. The Law will cause members of these communities to refrain from becoming involved in the

League.

8. I am also aware of members who no longer want to participate in voter registration activities because of the Law's provisions requiring us to provide receipts to new registrants that include the volunteer's name. Members have expressed fear about being targeted by election police and becoming vulnerable to wrongful accusations of illegally registering voters.

9. The Law would also prohibit collecting and retaining voter registrants' personal information. Collecting such information is an essential way for the Miami-Dade League to remind registrants about upcoming elections and recruit new volunteers. Educating voters about upcoming elections is integral to our work, and the Law would limit our ability to remain in contact with registrants.

10. We are still figuring out how to move forward under the Law. Our work will be much more difficult since we have to comply with these new provisions. Scheduling and carrying out voter registration events will be more difficult.



Monica Bustinza

**IN THE UNITED STATES DISTRICT COURT
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LEAGUE OF WOMEN VOTERS
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Secretary of State,

Defendants.

**DECLARATION OF MONICA ELLIOTT IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Monica Elliott, declare as follows:

1. I am competent to make this declaration.

2. I serve as Co-President of the League of Women Voters of Broward County (“the League”). I joined the Broward League in 2018 and have served as its President for three years. I have also served as Chair of Voter Services for the Broward League for four years. Additionally, I was recently elected Secretary of the League of Women Voters of Florida.

3. At the League’s statewide convention this year, I delivered a presentation regarding SB 7050 (hereinafter “the Law”).

4. During that presentation, I displayed a slide articulating that volunteers will have to prove their citizenship and felony status in order to participate in voter registration efforts under the Law. I then asked the audience if they would no longer be willing to do voter registration due to this requirement. In a room of approximately 26 people, half raised their hands.

5. I also presented a slide describing the Law’s requirement that members provide voter registrants with a receipt that includes the member volunteer’s name. Over two-thirds of the audience raised their hands to indicate that this requirement would deter them from participating in voter registration efforts.

6. One audience member expressed fear that volunteers will be targeted because their names will appear on the receipts. Once the receipt is given, it is impossible to know who else will see it or how they will use it.

7. Typically, volunteers provide registrants either with their first name or no name at all. The League does not require members to give their full names to those they assist. The Law would change that, placing volunteers in an uncomfortable and potentially dangerous position.

8. Additionally, the Law's requirement of affirming the citizenship and felony status of volunteers is onerous and impractical. Short of a full background check, which a volunteer organization has neither the capability nor budget to complete, there is no way to verify such information.



Monica Elliott

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

**LEAGUE OF WOMEN VOTERS
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OF WOMEN VOTERS OF
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Plaintiff,

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Defendants.

**DECLARATION OF PHYLLIS APPLEBAUM IN SUPPORT OF
PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION**

Pursuant to 28 U.S.C. § 1746, I, Phyllis Applebaum, declare as follows:

1. I am competent to make this declaration.

2. I serve as the Voter Services Chair of the League of Women Voters of Palm Beach County (“the League”). In this capacity, I have been involved in the Palm Beach County League’s voter registration efforts.

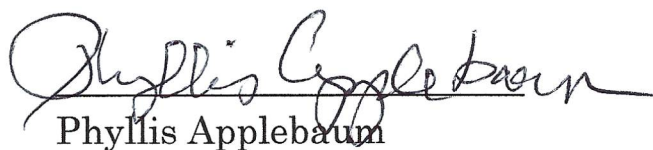
3. The Palm Beach County League spends a significant amount of time registering high school students in the county. Recently, the Palm Beach County League collected 962 voter registration forms from high school students. Under SB 7050 (hereinafter “the Law”), we will be impeded in our efforts to collect and submit such forms on behalf of these students.

4. Often, these students are hesitant to discuss their engagement with the democratic process. Without the Palm Beach County League’s presence in high schools, these students would likely not register to vote.

5. When Palm Beach County League members assist these students in registering to vote, the members collect the registration forms and submit them so that students do not have to do so themselves. With the Law’s new restrictions, the Palm Beach County League will not be collecting these forms any longer, and students will be responsible for submitting these forms themselves, decreasing the likelihood that the

students will complete their voter registration. As such, the Law will prevent us from ensuring that many young people register to vote.

6. Additionally, the fines imposed by the Law for violations of its provisions are astronomical. The Palm Beach County League operates on a limited budget, as do all the local chapters. For a volunteer organization that worries about how many pens they will be able to buy in a year, the Law is a wrecking ball.


Phyllis Applebaum