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## **LEGAL UPDATE**

**To: Supervisors of Elections**

**From: Ron Labasky, Esquire**

**Date: July 31, 2012**

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I received a call from the U.S. Justice Department advising that they will be serving subpoenas on 9 counties to obtain the lists that were sent by the Florida Department of State as part of the non-citizen issues several months ago, as well as other information. They will be seeking to obtain the names of individuals and the results of the Supervisors' actions with respect to those individuals who were named. The counties receiving subpoenas are Bay, Broward, Collier, Hillsborough, Lee, Miami Dade, Orange, Palm Beach, and Pinellas. The subpoenas should be served beginning today.

### Joyner, et al. v. Secretary of State of Florida

Division of Administrative Hearings; Case No. 12-2295RU

This is the rules challenge filed by various parties against the Florida Department of State asserting that the Department has instituted non-rule policy, contrary to the Administrative Procedures Act. The challenge was originally set to be heard on July 24 and 25, 2012, and has now been rescheduled for August 10, 2012. A Case Management Order has been entered directing the parties to file various documents on specified dates prior to the hearing.

### Corrine Brown, et al. v. Ken Detzner and Jerry Holland

United States District Court, Middle District of Florida; Case No. 3:12-cv-852-UATC-MCR

This suit filed last Friday is brought by Congresswoman Corrine Brown and various individuals and organizations. It is filed in United States District Court for the Middle District of Florida in Jacksonville. Named Defendants are Ken Detzner and Jerry Holland, as Supervisor of Elections for Duval County. The lawsuit seeks a Declaratory Judgment and Injunctive Relief, seeking to restore 15-day early voting and early voting on the Sunday immediately prior to Election Day. The Complaint contains comments made by the FSASE during the 2011

Legislative Session concerning early voting and the FSASE's position that maintaining the 15-day time frame is best for the voters and process. It also cites an FSASE memo that states not having the 15-day time frame during a general election could result in crowding and confusion at early voting sites and on Election Day at the precincts. The case has not been referred to a Judge or Magistrate at this time.