

Early Voting Locations in Volusia County

NAACP v. Lowe

(G. Kendall Sharp, M.D. Fla. 6:04-cv-1469)

The Volusia County branch of the NAACP and three Volusia County African-American voters filed a federal complaint on October 7, 2004, in the Middle District of Florida's Orlando courthouse against Volusia County's supervisor of elections, complaining that the county had opened an early voting site only on the county's west side, which was too inconvenient for the Daytona Beach African-American voters on the east side.¹ On the following day, the plaintiffs filed a motion for a preliminary injunction and expedited consideration.² That day, Judge G. Kendall Sharp set a hearing on the motion for the morning of October 19.³

By October 12, Volusia County had agreed to open additional early voting locations, including two in Daytona Beach,⁴ so the parties stipulated on October 15 to a dismissal of the action.⁵ On October 19, Judge Sharp ruled that the county was only required to open a single early voting site at the department of elections' main office, but that it was free to open additional sites and its promise to open additional sites in Daytona Beach mooted the case.⁶

1. Complaint, *NAACP v. Lowe*, No. 6:04-cv-1469 (M.D. Fla. Oct. 7, 2004), D.E. 1; see Kevin P. Connolly, *Suit Aims for Early-Voting Site in Daytona Beach*, Orlando Sentinel, Oct. 8, 2004, at B1; James Miller, *Volusia Sued Over Vote Sites*, Daytona News-J., Oct. 8, 2004, at 1A.

2. Motion, *NAACP*, No. 6:04-cv-1469 (M.D. Fla. Oct. 8, 2004), D.E. 2.

3. Amended Notice, *id.* (Oct. 12, 2004), D.E. 4 (granting each side one hour); Notice, *id.* (Oct. 8, 2004), D.E. 3 (granting each side 30 minutes); see James Miller, *Judge Sets Hearing Date for Suit on Early Voting*, Daytona News-J., Oct. 9, 2004, at 1C (noting that early voting was to begin on the day before the hearing).

4. See Kevin P. Connolly, *Volusia Changes Tune on Voting Sites*, Orlando Sentinel, Oct. 13, 2004, at B1; James Miller, *3 More Locations for Early Voting Set*, Daytona News-J., Oct. 13, 2004, at 1A; *Volusia Will Add 3 Election Sites*, Miami Herald, Oct. 14, 2004, at 8B; see also James Miller, *Early-Voting Option Explored*, Daytona News-J., Oct. 12, 2004, at 1A (reporting on the county's developing plans to open additional sites if the court ordered it to do so).

5. Stipulation, *NAACP*, No. 6:04-cv-1469 (M.D. Fla. Oct. 15, 2004), D.E. 5; see *NAACP Settles Early-Voting Site Dispute*, Orlando Sentinel, Oct. 16, 2004, at B3; *NAACP Settles Suit*, Daytona News-J., Oct. 16, 2004, at 1C.

6. Order, *id.* (Oct. 19, 2004), D.E. 6.