

## Clarifying a Voter Registration Deadline Extension Because of a Hurricane

*Florida Democratic Party v. Detzner (4:18-cv-463)  
and New Florida Majority Education Fund v. Detzner  
(4:18-cv-466) (Robert L. Hinkle, N.D. Fla.)*

A secretary of state extended a voter registration deadline to accommodate closed offices because of a hurricane on the last day of registration. A federal judge declined to extend the deadline further, but he did issue an order stating that the secretary's extension must mean until the first day that all offices in a county are open following the deadline day if any of the county's offices are closed for even part of the deadline day.

*Subject:* Registration procedures. *Topics:* Registration procedures; case assignment.

A political party filed a federal complaint in the Northern District of Florida on October 9, 2018, Florida's voter registration deadline for the 2018 general election, seeking more of an extension of the deadline to accommodate an approaching hurricane than Florida's secretary of state had provided.<sup>1</sup> On the next day, three organizations filed a federal complaint in the same district seeking similar relief.<sup>2</sup> The organizations notified the court that their case was related to the party's case.<sup>3</sup> Judge Mark E. Walker reassigned the second case to Judge Robert L. Hinkle, who had been assigned the first case.<sup>4</sup>

On the day before the deadline, noting that "thirty-five Florida counties are currently under a declared state of emergency due to the approach of Hurricane Michael," the secretary authorized any elections office closed on October 9 "to accept paper voter registration applications for the 2018 General Election on the next day that his or her office is reopened. This will ensure that each Supervisor of Elections Office has the same amount of days to register voters at their offices."<sup>5</sup>

With their complaints, the plaintiffs in both cases filed motions for a temporary restraining order.<sup>6</sup>

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1. Complaint, *Fla. Democratic Party v. Detzner*, No. 4:18-cv-463 (N.D. Fla. Oct. 9, 2018), D.E. 1 [hereinafter *Fla. Democratic Party* Complaint].

2. Complaint, *New Fla. Majority Educ. Fund v. Detzner*, No. 4:18-cv-466 (N.D. Fla. Oct. 10, 2018), D.E. 1.

3. Notice of Related Case, *id.* (Oct. 10, 2018), D.E. 2.

4. Reassignment Order, *id.* (Oct. 11, 2018), D.E. 6.

Tim Reagan interviewed Judge Walker for this report by telephone on December 12, 2018.

5. Fla. Sec'y of State Directive 2018-03 (Oct. 8, 2018), [www.flgov.com/wp-content/uploads/2018/10/Directive-2018-03.pdf](http://www.flgov.com/wp-content/uploads/2018/10/Directive-2018-03.pdf); see *Fla. Democratic Party* Complaint, *supra* note 1, at 9–10.

6. Motion, *New Fla. Majority Educ. Fund*, No. 4:18-cv-466 (N.D. Fla. Oct. 10, 2018), D.E. 3; Motion, *Fla. Democratic Party*, No. 4:18-cv-463 (N.D. Fla. Oct. 9, 2018), D.E. 3; see Amended Motion, *New Fla. Majority Educ. Fund*, No. 4:18-cv-466 (N.D. Fla. Oct. 11, 2018),

On October 10, Judge Hinkle determined that the party was not entitled to immediate relief “so long as the directive is properly understood.”<sup>7</sup> First, what the directive “authorizes” must be understood by local election officials as a requirement.<sup>8</sup> Second, if any office in a county is closed for even part of the day on October 9, then registration applications must be accepted until the first day that all offices in the county are open for all regular hours of business.<sup>9</sup> “If . . . a supervisor fails to heed the Secretary’s directive as properly understood, the Party of course may renew its motion for a temporary restraining order.”<sup>10</sup>

On October 16, Judge Hinkle consolidated the cases<sup>11</sup> and applied the reasoning of his order in the first case to the second case.<sup>12</sup>

The cases were dismissed voluntarily in December.<sup>13</sup>

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D.E. 4 (“Hurricane Michael made landfall in Florida the afternoon of October 10, 2018. It is reported that the entire Panhandle in Florida was affected.”).

7. Injunction Order at 3, *Fla. Democratic Party*, No. 4:18-cv-463 (N.D. Fla. Oct. 10, 2018), D.E. 10; see Jim Saunders, *Federal Judge Rules Against Extending Voter Registration*, Ft. Lauderdale Sun-Sentinel, Oct. 12, 2018, at B1.

8. Injunction Order, *supra* note 7, at 3.

9. *Id.* at 3–4.

10. *Id.* at 4.

11. Order, *Fla. Democratic Party*, No. 4:18-cv-463 (N.D. Fla. Oct. 16, 2018), D.E. 12.

12. Order, *New Fla. Majority Educ. Fund*, No. 4:18-cv-466 (N.D. Fla. Oct. 16, 2018), D.E. 12.

13. Dismissal Notice, *New Fla. Majority Educ. Fund*, No. 4:18-cv-466, (N.D. Fla. Dec. 11, 2018), D.E. 17; Dismissal Notice, *Fla. Democratic Party*, No. 4:18-cv-463 (N.D. Fla. Dec. 10, 2018), D.E. 16.