

Early-Voting Locations in Duval County

Jacksonville Coalition for Voter Protection v. Hood (Harvey E. Schlesinger, M.D. Fla. 3:04-cv-1123)

On a Tuesday, the day after early voting started, three voters' rights organizations and two voters filed a federal complaint seeking to compel the county to provide more early-voting locations. While the suit was pending, the county agreed to provide a few more sites, but not as many as the plaintiffs sought. The court heard the matter on Friday and issued its opinion on the following Monday. The court denied the plaintiffs immediate relief because they had not shown that the number and locations of early-voting sites discriminated against African American voters.

Subject: Absentee and early voting. *Topics:* Poll locations; early voting.

Three voters' rights organizations and two voters filed a federal complaint in the Middle District of Florida's Jacksonville courthouse on October 19, 2004, seeking to compel Duval County to provide more than one early-voting site for the 2004 general election.¹ On the following day, the plaintiffs moved for a preliminary injunction and an expedited hearing.² Early voting had begun on October 18 and was to continue until November 1, the day before the election.³ Before the plaintiffs filed their complaint, they sought to achieve their goals through local governmental bodies.⁴ After the plaintiffs filed their suit, Duval agreed to increase the number of early voting sites from one to five.⁵

Judge Harvey E. Schlesinger set the matter for a hearing on Friday, October 22.⁶ The defendants could respond to the plaintiffs' filings promptly because the controversy had already been brewing for some time.⁷ It was all hands on deck for Judge Schlesinger and his law clerks over the weekend.⁸ On Monday, Judge Schlesinger denied the plaintiffs immediate injunctive relief.⁹ He found that they had not shown how the number and location of

1. Complaint, *Jacksonville Coal. for Voter Prot. v. Hood*, No. 3:04-cv-1123 (M.D. Fla. Oct. 19, 2004), D.E. 1.

2. Motion, *id.* (Oct. 20, 2004), D.E. 3.

3. Order at 3, *id.* (Oct. 25, 2004), D.E. 13 [hereinafter Oct. 25, 2004, Order].

4. *Id.* at 8–9.

5. *Id.* at 4; see Ron Word, *More Duval Voting Sites Sought*, S. Fla. Sun-Sentinel, Oct. 23, 2004, at 6B.

6. Notice, *Jacksonville Coal. for Voter Prot.*, No. 3:04-cv-1123 (M.D. Fla. Oct. 21, 2004), D.E. 7; see Ron Word, *More Early Voting Sites Are Requested*, Miami Herald, Oct. 23, 2004, at 3B.

7. Tim Reagan interviewed Judge Schlesinger for this report by telephone on October 2, 2012.

8. Interview with Hon. Harvey E. Schlesinger, Oct. 2, 2012.

9. *Id.*

9. Oct. 25, 2004, Order, *supra* note 3; see Ruth Morris, *Judge Oks Paperless Voting*, Or-

early-voting sites in Duval County had discriminated against African American voters.¹⁰

On January 6, 2005, Judge Schlesinger granted the plaintiffs a voluntary dismissal.¹¹

lando Sentinel, Oct. 26, 2004, at B1.

10. Oct. 25, 2004, Order, *supra* note 3, at 10–18.

11. Order, *Jacksonville Coal. for Voter Prot.*, No. 3:04-cv-1123 (M.D. Fla. Jan. 6, 2005), D.E. 20.