Filing # 249665169 E-Filed 06/04/2026 03:04:01 PM

IN THE SUPREME COURT OF FLORIDA

Case No. SC26-_____
L.T. Case Nos. 1D26-1539, 2026-CA-914

Equal Ground Education Fund, Inc., et al.,

Petitioners,

v.
Cord Byrd, in his official capacity as Florida Secretary of State, the Florida House of Representatives, and the Florida Senate,

Respondents.

EMERGENCY PETITION FOR CONSTITUTIONAL WRIT

Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
King, Blackwell, Zehnder & Wermuth, P.A.
25 East Pine Street
Orlando, Florida 32801
T: (407) 422-2472
F: (407) 648-0161
fwermuth@kbzwlaw.com
qritter@kbzwlaw.com

Christina Ford
Florida Bar No. 1011634
Harleen Gambhir*
Julie Zuckerbrod*
Elias Law Group LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
T: (202) 968-4490
F: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

**Pro hac vice application forthcoming*

Abha Khanna*
Elias Law Group LLP
1700 Seventh Ave
Suite 2100
Seattle, WA 98101
T: (206) 656-0177
F: (206) 656-0180
akhanna@elias.law

Counsel for Petitioners

TABLE OF CONTENTS

TABLE OF CITATIONS

PAGE(S)

CASES

STATUTES

OTHER AUTHORITIES

PRELIMINARY STATEMENT

This petition presents a simple question: whether Florida's political branches can openly defy the Florida Constitution and escape judicial review for an entire election cycle simply by attempting to run out the clock. The answer from this Court should be a resounding no.

The Governor's own map drawer admitted he drew Florida's 2026 congressional map (the "2026 Plan") using partisan data and without regard for the Florida Constitution's explicit provisions imposing strict limitations on the redistricting process. His attorney admitted before the Legislature that the map was engineered specifically to manufacture a challenge to these provisions of the state constitution, which were overwhelmingly approved by the voters of Florida. And the resulting plan—by every standard measure of partisan bias—is among the most extreme partisan gerrymanders enacted in any state over the past half-century. Respondents have not contested these facts. Instead, they have calculated that they do not need to win on the merits. They only need to slow-walk this litigation.

So far, the strategy has worked. Despite Petitioners' attempt to move this litigation at lightning speed, this case will not reach this Court in time for review before the 2026 elections—*unless this Court takes action*. Declining to do so would be a direct refutation of the will of the people of Florida and the rule of law. The Fair Districts Amendment was enacted by Florida's voters to prevent precisely what Respondents have done here. This Court should protect its jurisdiction to enforce it.

The First District denied pass-through certification to this Court even though this Court recently "remind[ed] all district courts" that cases regarding the validity of a "congressional districting plan" are of great public importance and especially fit for pass-through certification. *Black Voters Matter Capacity Bldg. Inst., Inc. v. Sec'y, Fla. Dep't of State*, 415 So. 3d 180, 193 (Fla. 2025). It then declined to expedite the Petitioners' appeal below. By the time this Court would ordinarily have jurisdiction to act, the election will be over, and any relief this Court would ultimately provide would be too late for the 2026 election.

This Court should not allow that to happen. The all-writs authority under Article V, Section 3(b)(7) of the Florida Constitution

exists for precisely this situation: to protect this Court's jurisdiction when the normal appellate timeline will moot the issue presented—here, whether the 2022 Plan should be reinstated for the 2026 election—before this Court can weigh in. This Court's jurisdiction over this case is not speculative—it is virtually certain. The questions presented concern the continued enforceability of the Fair Districts Amendment itself, a matter that will unquestionably require this Court's resolution. The only question is whether this Court will preserve the status quo—a validly enacted, court-approved map that Respondents themselves drew then and defended in court for years—or allow millions of Floridians to vote under a map drawn in open defiance of their Constitution before this Court has had an opportunity to say otherwise.

Time remains for the State to return to the 2022 Plan without causing significant disruption: Florida's qualifying window has not passed, and even if it did, this Court retains inherent authority to modify it to prevent constitutional harm. Accordingly, Petitioners ask this Court to temporarily enjoin the 2026 Plan and order elections to take place under the 2022 Plan while this case proceeds below.

BASIS FOR INVOKING THIS COURT'S JURISDICTION

Article V, Section 3(b)(7) of the Florida Constitution authorizes this Court to issue "all writs necessary to the complete exercise of its jurisdiction." This authority protects the Court's jurisdiction that has already been invoked, as well as its "*jurisdiction that likely will be invoked in the future*." *League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510, 513 (Fla. 2014) (quoting *Roberts v. Brown*, 43 So. 3d 673, 677 (Fla. 2010)).

There is no question that this Court's jurisdiction will be invoked in this case. This case not only concerns the constitutionality of a congressional districting plan, but of the Florida Constitution itself. As Respondents' own counsel conceded before the Legislature, the 2026 Plan was concocted to tee up the constitutionality of the Fair Districts Amendment. *See* App.699 (acknowledging that because the Legislature and the executive branch "cannot [challenge] a state statute or a state constitutional provision," "[t]he way to tee this up is to pass [the 2026 Plan], have it plainly before the courts, and have them address it"). Respondents admitted just days ago that their "principal defense[]" in this case is to argue for the "unenforceability

of the article III, section 20 of the Florida Constitution." App.2933-40.

This case will therefore trigger at least three bases for this Court's jurisdiction. *See* Art. V, § 3(b)(3), Fla. Const. (extending Court's jurisdiction to decisions construing "a provision of the state or federal constitution," "declar[ing] valid a state statute," or "expressly affect[ing] a class of constitutional or state officers"). And it concerns the constitutionality of the state's congressional districting plan, a matter this Court has repeatedly considered of exceeding public importance. *See, e.g.*, *League of Women Voters of Fla. v. Detzner*, 179 So. 3d 258, 262 (Fla. 2015) ("This Court has an obligation to provide certainty to candidates and voters regarding the legality of the state's congressional districts.") (citation modified).

This Court has exercised its all-writs authority in the redistricting context before. In *League of Women Voters of Fla. v. Data Targeting, Inc.*, 140 So. 3d 510 (Fla. 2014), this Court granted an all-writs petition and stayed a First District order because it reasoned that the First District's forthcoming opinion was "highly likely" to construe both the First Amendment and the Fair Districts Amendment, which would "undeniably vest" the Court with

jurisdiction. *Id.* at 514. Critically, the Court exercised its all-writs authority even though the First District had not yet issued a final ruling, emphasizing the "time sensitive nature of the proceedings" and the need to "maintain the status quo during the ongoing trial" and "prevent any irreparable harm." *Id.* at 514, 515 (Lewis, J., concurring); *cf. Fla. Senate v. Graham*, 412 So. 2d 360, 361 (Fla. 1982) (exercising all-writs authority in redistricting case that "require[d] prompt resolution to avoid mootness and prevent an adverse effect on the functions of government").

Although this Court declined to use its all-writs authority in 2022 to review the constitutionality of one district in the 2022 Plan at the temporary injunction stage, *see Black Voters Matter Capacity Bldg. Inst., Inc. v. Byrd*, 340 So. 3d 475 (Fla. 2022), that decision does not preclude relief here. In 2022, this Court's writ denial rested on a narrow ground: it was "speculative whether the First District's eventual decision [would] provide an appropriate basis for this Court's exercise of discretionary review." *Id.* at 475. This case is categorically different. Respondents have explicitly stated that their primary defense is that an entire Section of the Florida Constitution is unenforceable. That is not a question about the application of the

Amendment to a particular district—it is a question about whether the Fair Districts Amendment itself survives. It would be extraordinary for this Court to decline review of such a question.

But this case *will* evade meaningful exercise of this Court's jurisdiction unless this Court grants the writ in light of the First District's actions below. After the trial court denied Petitioners' motion for a temporary injunction, Petitioners immediately sought pass-through certification to this Court, which the First District denied, App.2922-23, despite this Court's recent admonition against such action. *Black Voters Matter*, 415 So. 3d at 193. Within hours of that denial, Petitioners sought a motion to expedite their appeal in the First District, which the First District then denied without any reasoning. App.2924-32; 2956-57.

Neither the equities nor this Court's jurisdiction can await the First District's eventual ruling on the trial court's order. The appellate process at the First District on a non-expedited timeline will almost certainly run out the time available to the State's election administrators to effect Petitioners' relief, no matter how quickly this Court acts when the parties inevitably invoke its jurisdiction. Indeed, under the current timeline at the First District, Respondents will not

even have to respond to Petitioners' brief until June 29. Such delay would render this Court's jurisdiction moot through the sheer passage of time. *See Data Targeting*, 140 So. 3d at 516 (Lewis, J., concurring) (emphasizing that if no writ were granted, "this issue will become moot due to the time sensitive nature of the proceedings, and there will be no adequate remedy to correct a possible manifest injustice").

Accordingly, to protect this Court's complete jurisdiction, this Court must preserve the status quo by exercising its all-writs authority to enjoin the 2026 Plan and order elections to proceed under the 2022 Plan pending further proceedings in the First District and this Court's final review. *See State ex rel. Chiles v. Pub. Emps. Rels. Comm'n*, 630 So. 2d 1093, 1095 (Fla. 1994) (recognizing propriety of the all writs to guard against threats to the potential exercise of the Court's jurisdiction); *Petit v. Adams*, 211 So. 2d 565, 566 (Fla. 1968) (exercising all writs jurisdiction to halt destruction of election records even though court was uncertain it had jurisdiction, because destruction would render issue moot); *Monroe Educ. Ass'n v. Clerk, Dist. Ct. of Appeal, Third Dist.*, 299 So. 2d 1, 3 (Fla. 1974) (noting the importance of all writs jurisdiction because "certain cases

present extraordinary circumstances involving great public interest where emergencies and seasonable considerations are involved that require expedition").

FACTS ON WHICH PETITIONERS RELY

I. FACTUAL BACKGROUND

A. The Florida Constitution imposes strict limits on the redistricting process.

In 2010, Floridians enacted the Fair Districts Amendment to the Florida Constitution, which "dramatically alter[ed] the landscape" for redistricting, "prohibiting practices that have been acceptable in the past, such as crafting a plan or [a] district with the intent to favor a political party or an incumbent." *In re Senate Joint Resol. of Legis. Apportionment 1176* ("*Apportionment I*"), 83 So. 3d 597, 607 (Fla. 2012). Under Article III, Section 20, "there is no acceptable level of improper [partisan] intent." *Id.* at 617.

The Fair Districts Amendment standards are enumerated within two "tiers" in Article III, Section 20 of the Florida Constitution. The "Tier I" standards provide that (1) no congressional plan "shall be drawn with the intent to favor or disfavor a political party or an incumbent;" (2) "districts shall not be drawn with the intent or result

of denying or abridging the equal opportunity of racial or language minorities to participate in the political process or to diminish their ability to elect representatives of their choice;" and (3) "districts shall consist of contiguous territory." Art. III, § 20(a), Fla. Const. The "Tier II" standards provide that (1) "districts shall be as nearly equal in population as is practicable;" (2) "districts shall be compact;" and (3) "districts shall, where feasible, utilize existing political and geographical boundaries." Art. III, § 20(b), Fla. Const.

This Court has since enforced those provisions repeatedly, and the U.S. Supreme Court has held up Florida's standards as a model for the nation. In 2015, this Court found that the Legislature had made a "mockery" of the Fair Districts Amendment in passing Florida's 2012 Plan, holding that the entire map was "tainted by unconstitutional intent" to favor the Republican Party. *League of Women Voters of Fla. v. Detzner* ("*Apportionment VII*"), 172 So. 3d 363, 406, 437 (Fla. 2015). This Court acknowledged that this would not be the last time Florida courts would likely need to confront a partisan gerrymander. *Id.* at 415. And when the U.S. Supreme Court held in *Rucho v. Common Cause* that federal courts could not adjudicate partisan gerrymandering claims under the federal

constitution, it made clear that "[p]rovisions in state statutes and state constitutions can provide standards and guidance for state courts to apply"—and cited Florida's enforcement of the Amendment as proof, noting that "[t]here is no 'Fair Districts Amendment' to the Federal Constitution." 588 U.S. 684, 719 (2019) (citing *Apportionment VII*, 172 So. 3d at 363).

B. The Legislature and the Governor created and have vigorously defended the 2022 Plan.

In 2022, after the Governor vetoed the Legislature's first proposed redistricting plan in the 2022 redistricting cycle out of concern that then-CD-5 was a racial gerrymander, the Governor proposed a new plan with the professed "goal" of enacting "a constitutional map." App.1707-12. The Governor's proposal made changes primarily in North Florida to eliminate the East-West CD-5 configuration the Governor had identified as constitutionally infirm. Neither the Governor's Office nor the Legislature raised constitutional concerns about CD-20 or any other district in the 2022 Plan at any point during the process.

To the contrary, the 2022 Plan's primary map drawer, the Governor's then-Deputy Chief of Staff, Alex Kelly—touted the plan's

compliance with the Fair Districts Amendment, disclaiming any consideration of political or racial data in drawing any of the districts he redrew. App.1132,1134-35, 1159; *see also* App.1077, 1079, 1136. Likewise, Jason Poreda, who drew the South Florida districts, later testified in federal court that those districts too "were drawn race-neutrally," and even for the minority-protected districts in the region, "race-neutral factors" drove the line-drawing decisions. App.1438-39.

The Legislature passed the Governor's proposal, which the Governor signed into law in April 2022. App.1312; Ch. 22-256, Laws of Fla. (2022). The 2022 Plan was then tested in both state and federal court and survived both challenges. *See Black Voters Matter Capacity Bldg. Inst.*, 415 So. 3d at 200; *Common Cause v. Byrd*, 726 F. Supp. 3d 1322 (N.D. Fla. 2024). No court has held that race predominated in the drawing of any of its districts. In fact, the State is currently vigorously *defending* the 2022 Plan against racial gerrymandering claims in federal court. *See generally Cubanos Pa'lante v. Fla. House of Representatives*, No. 1:24-cv-21983 (S.D. Fla. filed May 23, 2024).

C. Florida's 2026 Plan was the last puzzle piece in a nationwide mid-decade redistricting blitz for partisan advantage.

The 2022 Plan, which Respondents have long-touted for its race neutrality, is what Respondents now seek to replace—not because of any new census or because a court found it wanting, but because of a yearlong push for mid-decade partisan redistricting.

In June 2025, President Trump pressured Texas Republicans to redraw congressional districts to more heavily favor Republicans in advance of the 2026 midterms, prompting several other states to follow suit. *See* App.1625-29, 1634-43, 1722-26. Governor DeSantis announced his desire to redistrict mid-decade shortly after President Trump's command. App.1625-29, 1646-50, 1683-88. In the following months, Florida's Republican lawmakers admitted that Florida's redistricting was about pure partisan advantage. *See* App.1644-57, 1681-94. In December 2025, Florida State Senator Joe Gruters reposted a prediction that Florida would add five Republican congressional seats. App.1644-45. Multiple members of Florida's congressional delegation publicly mused about how many Republican seats Florida could add without jeopardizing their own seats. App.1646-53. U.S. Representative Byron Donalds, the Florida

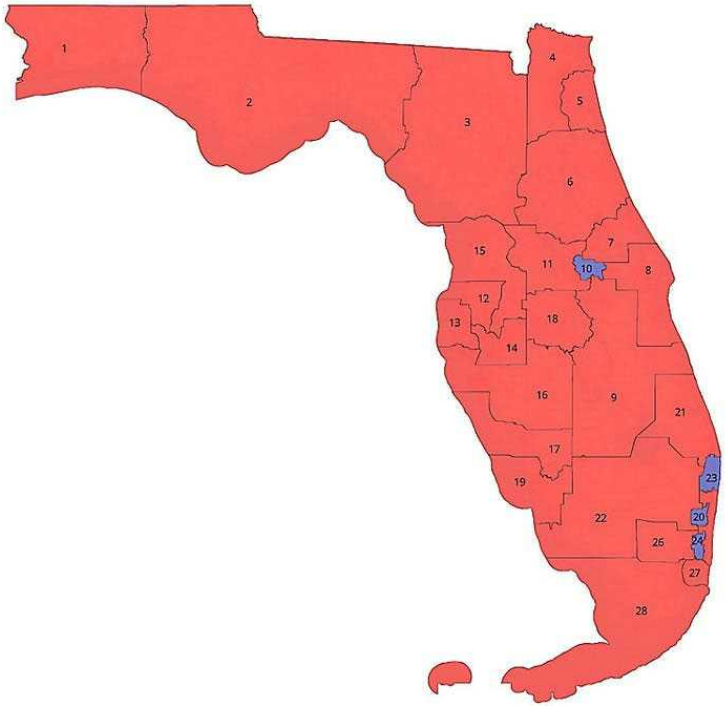
Republican Party's leading gubernatorial candidate, argued that because of "California and Virginia responding to Texas . . . Florida needs to respond." App.1656. And after Virginia voters approved a partisan congressional map shortly before Florida's special session, "Team DeSantis"—the "Official TEAM account of @RonDeSantis"—reposted on social media that Florida should "cancel out Virginia" and "go for BROKE in Florida." App.1682.

This public celebration of partisan aims was matched with an unprecedentedly secretive map development process. No public hearings were held, no draft maps were released for public review, and no venue was available for the public to submit proposed plans. *See* App.918-20. This process stood in stark contrast to the 2021-2022 cycle, in which the Legislature held over 20 redistricting meetings and operated a website to facilitate public review and submission of plans. *See* App.1309-17.

D. The Governor and Legislature openly flouted the Florida Constitution in releasing, considering, and enacting the 2026 Plan.

The Governor and Legislature made a mockery of the Fair Districts Amendment at every stage of the 2026 Plan's process. The day before the special session was set to convene, the Governor's

Office made no effort to conceal the plan's partisan purpose, releasing a color-coded map to Fox News—with 24 districts shaded in red and 4 in blue. App.1713-17.



In a statement to Fox News, Governor DeSantis explained that the map was drawn to reflect the increase of the Republican population of the state. App.1700-06.

The map was accompanied by a memorandum from the Governor's General Counsel confirming the 2026 Plan was drawn in deliberate disregard of the Fair Districts Amendment. *See* App.369-71. In particular, the memo argued that the Fair Districts Amendment's race provisions are unconstitutional, and that the

entire Fair Districts Amendment must fall with them, including the Amendment's prohibition on partisan gerrymandering and Tier II requirements. *See* App.371. The memo gave two justifications for redrawing the 2022 Plan. First, it suggested Florida's population growth since the 2020 census required "reconfiguring districts around the areas of high growth"—a nonsensical explanation given the simultaneous acknowledgement that the map is "still based on 2020 census data." App.371. Second, the memo asserted (without support) that CD-20's "odd shape" was "arguably a telltale sign of racial predominance" in violation of the federal Equal Protection Clause. App.370.

The next day, the Legislature heard from Jason Poreda, a member of the Governor's staff who claimed to have drawn the map in consultation with the Governor's Office. *See* App.503-04, 720-21. Poreda's testimony removed any doubt that the 2026 Plan was drawn with partisan intent. Poreda explained that he drew the map "not having to comply with the Fair Districts Amendment," which allowed him to use "the entire suite of redistricting criteria that are available to other states . . . including partisan data." App.693. Just months earlier, Governor DeSantis himself had acknowledged such use

would be unlawful, stating to reporters that "[mapmakers are] not allowed to use the partisan data." App.1720. Poreda's admission also stood in stark contrast to four years earlier, when Alex Kelly was adamant that, in drawing the map, he "did not consider or even look at pol[it]ical data, including party registration[] [and] voter data," in drawing the 2022 Plan. App.1132. When asked by a Senator, "[H]ow does th[e 2026] map comply with the Florida Fair District[s] Amendment?" Poreda was clear: "[I]t does not have to." App.691-92.

The floor debate the next day confirmed the 2026 Plan's partisan intent and disregard for the Fair Districts Amendment. The bill's House sponsor, for example, acknowledged that Poreda considered partisan data and was unable to provide any substantive justification for the 2026 Plan's departure from traditional redistricting principles—including its reduction in compactness and increase in county and city splits compared to the 2022 Plan. App.2149-50, 2153-54. When the bill's Senate sponsor, Senator Gaetz, was asked whether passing a map drawn using partisan data violated the Florida Constitution, Senator Gaetz responded that it would only be illegal if it were proven in court that partisan intent was the "controlling factor" for line-drawing decisions—an

interpretation that neither the Fair Districts Amendment's plain text nor this Court's precedent supports. *See* App.841; *infra* Argument I.A.

Having heard Poreda's testimony, the Legislature signed off on the map. The bill's sponsor, Senator Gaetz, rejected the suggestion that the Legislature had ceded its redistricting authority to the Governor, emphasizing the Legislature had "the authority to accept [the 2026 Plan], to reject it, or to amend it. It is not the Governor's prerogative as to what the maps will be. It is ours now." App.863. Although several Republican Senators voted against the 2026 Plan, the Legislature ultimately enacted it. App.907.

E. The 2026 Plan is an extreme and intentional partisan gerrymander.

Petitioners presented the trial court with both direct and circumstantial evidence of partisan intent—evidence Respondents did not meaningfully dispute. The 2026 Plan's map drawer freely admitted that he disregarded compliance with the Fair Districts Amendment and used partisan data in crafting the 2026 Plan. App.693. The resulting plan eliminates *half* of the districts that could be expected to elect Democratic representatives under the 2022

Plan—a plan that was already quite favorable to Republicans. App.325.

The 2026 Plan's partisan design is evident from both what it changes and what it does not. The 2026 Plan preserves CDs 1, 2, 3, 4, 5, 6, and 7—each reliably Republican—in their entirety, even though population in CDs 5 and 6 is growing rapidly, which was one of the Governor's stated justifications for redistricting. App.179, 182, 449-50. The 2026 Plan also makes virtually no changes to the Republican-performing minority districts CDs 27 and 28, even though the plan was purportedly designed to eliminate racial considerations. App.684, 1217-19.

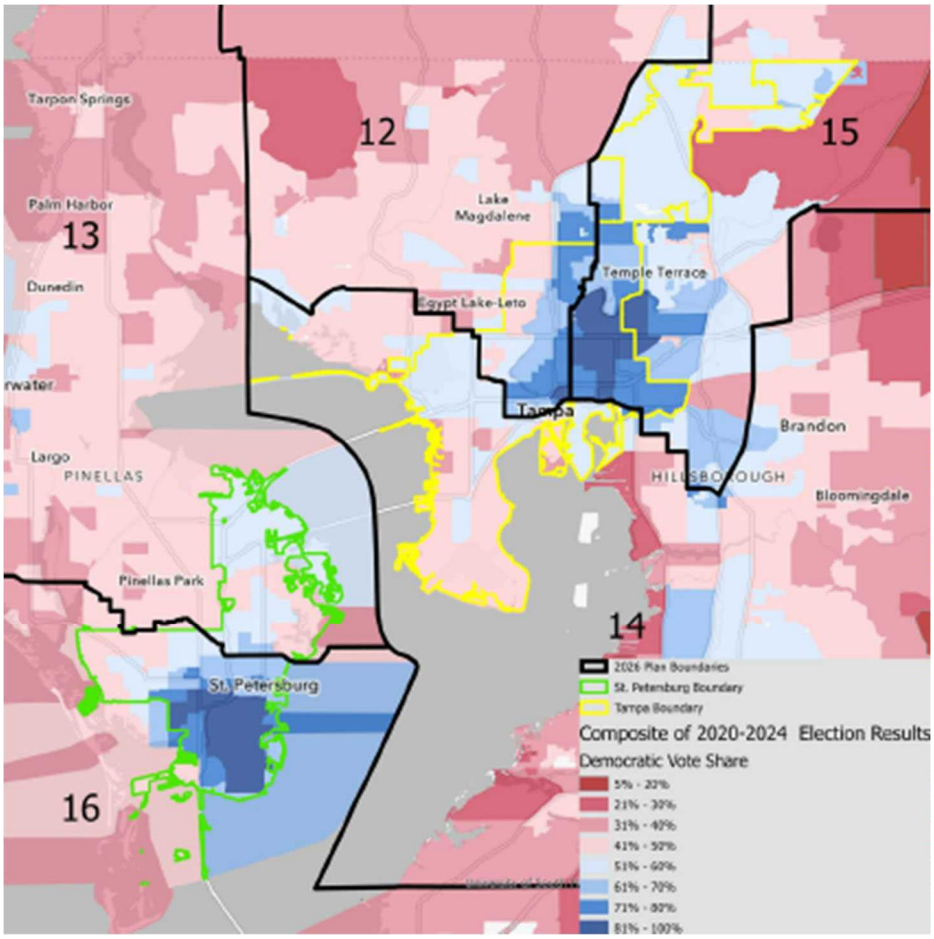
In every other region, however, including those that had *no* recognized minority-protected districts, the 2026 Plan radically reconfigures the map to eliminate four Democratic districts. *See* App.178-80. The result is a map that is *less* compact, *increases* county and city splits, and *deviates more frequently* from political and geographical boundaries than the 2022 Plan. *See* App.182, 440, 1232. The plan's pattern of preserving Republican-electing districts and eliminating Democratic-electing districts was uncontested below.

Three recognized redistricting experts, whose credentials and methodologies Respondents did not meaningfully rebut below, further confirmed what is plainly visible to any lay observer: the line-drawing decisions in the 2026 Plan cannot be explained by anything other than partisan intent.

Petitioners' expert Dr. Jonathan Rodden examined how the 2026 Plan impacts district partisanship and performance on traditional redistricting principles. *See* App.170-220. Dr. Jowei Chen, an expert in redistricting simulations, developed 5,000 race-blind and partisan-blind computer-simulated congressional plans that follow the redistricting criteria in the Fair Districts Amendment. *See* App.221-312, 2528-51. By comparing the simulations to the 2026 Plan, Dr. Chen determined whether the 2026 Plan's extreme partisan characteristics can be explained by another factor, such as a race-neutral plan, by traditional redistricting criteria, or by Florida's political geography. And Dr. Christopher Warshaw used a variety of standard measures to evaluate whether the 2026 Plan exhibits partisan bias. *See* App.313-48.

Petitioners' evidence showed that partisan intent taints the 2026 Plan in every region that was redrawn. In Tampa Bay, the plan

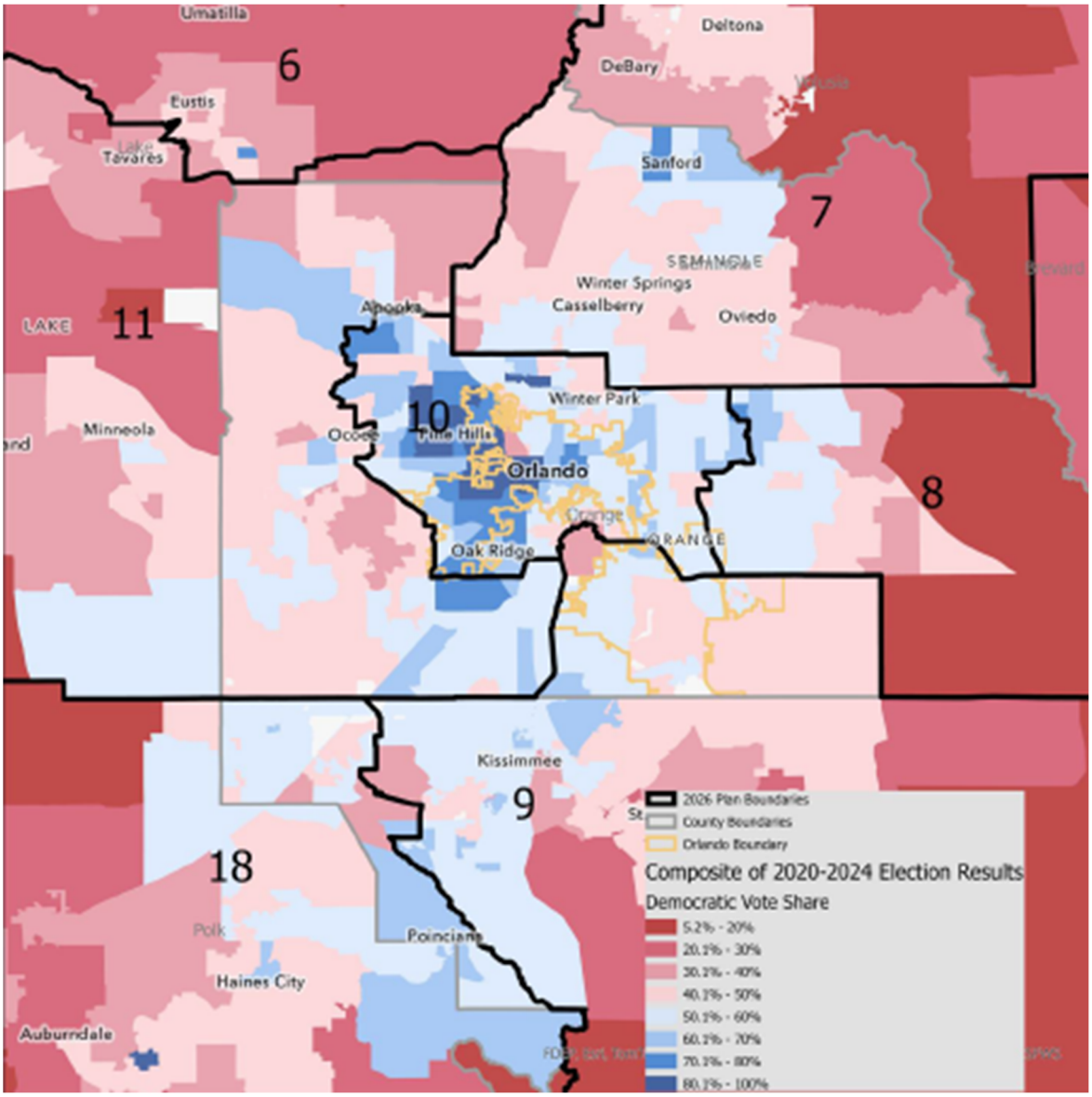
creates a pinwheel out of the city of Tampa, dividing it into three equal segments, each reaching to the rural periphery to overwhelm urban Democrats—a configuration that has never existed in modern history and that Dr. Chen's simulations never produce. App.183-87, 276-79. The cracking of Tampa Bay's Democratic voters is shown below. App.2522.



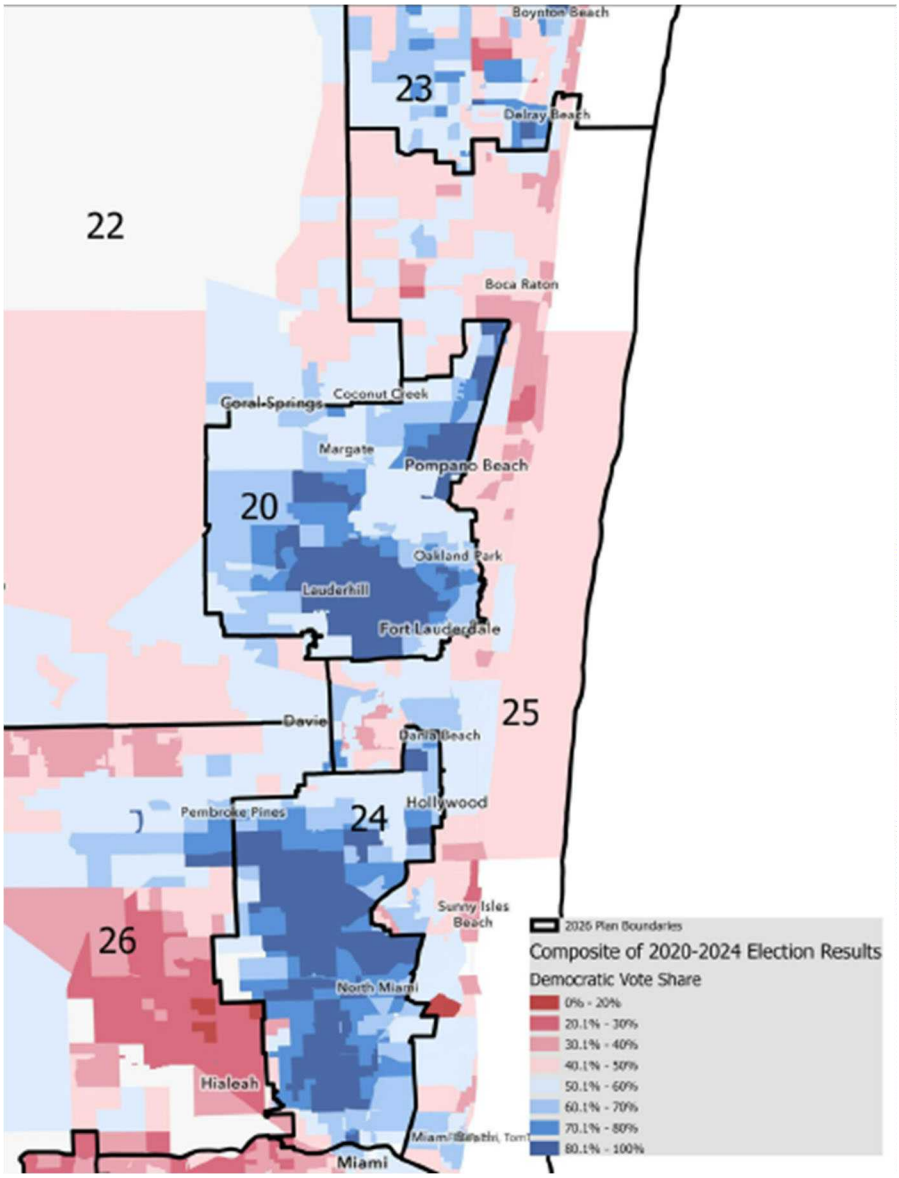
Comparing the 2022 Plan to the 2026 Plan, CD-14 goes from a reliable Democratic district (54.5% Democratic) to a Republican one (43.9% Democratic), while decreasing the compactness of all the

districts in the region (CDs 12-16). App.188-89; 190-91. Respondents offered no explanation for why Tampa needed to be divided this way—much less one that is consistent with traditional redistricting principles.

In the Orlando metro area, the 2026 Plan packs as many Democrats as possible into CD-10 and scatters the rest, converting CD-9 from a safe Democratic district (52.4% Democratic) to a Republican one (40.6% Democratic) by extending it over a hundred miles south to Lake Okeechobee—a configuration Dr. Chen's simulations virtually never produce. App.192-97, 283-85. The new Republican CDs 8, 9, and 11 end up with virtually identical Democratic vote shares of 40.7%, 40.6%, and 40.5%—the hallmark of deliberate cracking. App.197. The figure below shows how efficiently Democrats have been packed into CD-10 and cracked among the remaining districts. App.2524.



In South Florida, the 2026 Plan reduces five reliably Democratic seats to three by packing Democratic voters into CDs 20 and 24 and surrounding them with new Republican-performing CDs 22 and 25, as shown below. App.200-06, 2527.



Despite allegedly being drawn "race-neutrally," CD-24's Black voting age population *increases* from 42.17% to 47.72% under the 2026 Plan, while the district becomes less compact on every mathematical compactness measure compared to its 2022 predecessor and splits eight cities, compared to only two city splits under the 2022 Plan. App.440-41, 1216, 1231. CD-20 fares no

better: it is not only substantially worse than its 2022 predecessor on adherence to political and geographic boundaries, it is one of the worst-performing districts in the entire 2026 Plan on that measure. App.1232, 440.

The surrounding Republican-performing districts are equally problematic. New CD-25, which splits 11 cites, stretches from Boca Raton to Miami Beach in a coastal configuration that Dr. Chen's simulations never produce. App.287-303. New CD-25 is also substantially less compact than the 2022 Plan's CD-20 that the Governor has criticized for its compactness, and nearly as noncompact as the prior East-West CD-5 that this Court held was unconstitutionally noncompact in *Black Voters Matter*. App. 287-303, 1216, 440, 1292. New CD-22 stretches from Marco Island on Florida's southwest coast all the way to Parkland, Wellington, and Weston on the east coast, splitting six cities. App.442. Together, CDs 22 and 25 alone split 15 cities—just one fewer than the total cities split across *all 28 districts* in the entire 2022 Plan. App.206, 441-42, 1230-31.

Despite this robust evidence demonstrating intentional packing and cracking of Democratic voters and a consequent disregard for

traditional redistricting criteria, Respondents never attempted to explain a *single* line-drawing decision. Nor did they meaningfully attempt to rebut Dr. Chen's simulations, which confirm that the 2026 Plan's extreme partisan consequences cannot be explained by race neutrality, adherence to traditional redistricting criteria, or Florida's political geography. Indeed, the 2026 Plan creates more Republican-favoring districts than all 5,000 simulated plans and is a statistical outlier on every measure of partisan bias. App.249-56. In an election in which Democrats and Republicans each take 50% of the vote, Democrats would win between 11 and 14 congressional seats under most simulated plans—but only 8 seats under the 2026 Plan. *See* App.271-73. Dr. Warshaw's undisputed analysis even confirms the 2026 Plan has a substantially larger partisan bias than Florida's 2012 plan that this Court struck down as an unconstitutional partisan gerrymander, and a larger bias than any other congressional plan enacted by a large state in the past 50 years. App.325-26.

By every measure, the evidence is unequivocal: the 2026 Plan bears the signature of a map engineered for partisan dominance, and Respondents offered nothing below to suggest otherwise.

II. PROCEDURAL HISTORY

Petitioners filed their action on May 4, the day the Governor signed the 2026 Plan into law. Petitioners moved for a temporary injunction with supporting evidence less than 48 hours later, on May 6, on the basis that the 2026 Plan violated the Florida Constitution's (1) prohibition on drawing districts with the intent to favor a political party and (2) compactness mandate and requirement to adhere to political and geographical boundaries, where feasible. App.83-150. Respondents responded to Petitioners' motion with accompanying expert reports one week later, on May 13, Petitioners replied on May 14, and the trial court held a hearing on Petitioners' motion on May 15.

Respondents' opposition to Petitioners' motion was notably thin on substance, offering no explanation for why Poreda used partisan data, no argument as to how any district was explainable based on anything other than partisan intent, and no defense of the Tier II compliance of any district. And notably, only the Secretary—not the House or Senate—argued that the 2022 Plan could not be reinstated as the status quo, alleging it was drawn with impermissible racial considerations—and even then, the Secretary did so only in passing

reference without presenting any expert analysis, any judicial finding, or any other evidence. *See* App.2236-37.

The trial court denied Petitioners' motion on May 26 in an eight-page order. Its factual findings were exceedingly limited. The court found that Poreda was the sole map drawer, that his stated justification for the 2026 Plan was removing racial aspects of the 2022 Plan and accounting for population growth, and that the map was voted out of committee and enacted by the Legislature. App.2774-75. The court made no findings on the specific district configurations Petitioners challenged, on Petitioners' evidence regarding compactness and boundary violations, or even on the substantial, undisputed evidence of partisan intent.

The trial court's denial rested on three grounds. On the threshold question of authority to issue a temporary injunction, the court correctly held that it retains "all writs power to enjoin and maintain the status quo during litigation," but then declined to exercise that authority, concluding that Petitioners had not sufficiently demonstrated the constitutional permissibility of the 2022 Plan and that the Secretary's passing characterization of CD-20 as a racial gerrymander was enough to avoid restoring the status

quo. App.2776-77. On the merits, the court acknowledged that Poreda admitted using partisan data to draw the 2026 Plan, and that he drew the map "without the need to comply with the Fair Districts Amendment," App.2774, but brushed aside this stark admission as "circumstantial" evidence that was "insufficient . . . to show substantial likelihood of success on the merits." App.2778-79. The court did not analyze *any* of Petitioners' other evidence of partisan intent, nor did it address Petitioners' Tier II claims at all. On the equities, the court correctly recognized that *Purcell v. Gonzalez*, 549 U.S. 1 (2006), is "a federal prudential policy of restraint" that does not bind state courts, but applied its logic anyway, holding that the public interest weighed against relief, while acknowledging that if Petitioners ultimately prevail, "there likely will be additional elections held on maps that violate the FDA." App.2778, 2780.

Petitioners filed a notice of appeal minutes after the trial court issued its order. App.2781-91. Petitioners then filed a motion for pass-through certification to this Court and their initial brief as soon as an appellate docket became available on May 28. App.2792-2801; 2821-97.

The First District denied Petitioners' pass-through motion on June 1. App.2922-23. Petitioners immediately filed a motion to expedite their appeal, which the First District denied yesterday, June 3, in a one-sentence order. App.2956-57. Petitioners therefore come to this Court having made every attempt to obtain relief in the lower courts as quickly as possible.

NATURE OF THE RELIEF SOUGHT

Petitioners invoke this Court's authority under Article V, Section 3(b)(7) of the Florida Constitution to issue "all writs necessary to the complete exercise of its jurisdiction." Specifically, Petitioners seek an emergency writ temporarily enjoining the 2026 Plan and ordering congressional elections to be held under the 2022 Plan while this case proceeds below. The 2022 Plan is the lawful, legislatively-drawn, court-approved map that existed before the 2026 Plan displaced it—it is therefore the status quo that must be preserved while this Court exercises its jurisdiction.

This Court has long recognized its authority to issue a constitutional injunctive writ when a lower court erroneously denies such relief. In *Anderson v. Tower Amusement Co.*, 159 So. 782, 784 (Fla.), *vacated on other grounds*, 160 So. 523 (Fla. 1935), this Court

stated that "our own processes may be invoked to secure to appellants such temporary injunctive relief as the chancellor below should have granted but did not, if it had been clearly established to the satisfaction of this court that appellants are plainly entitled to such relief at the present time"—and then awarded precisely that relief, issuing a constitutional injunctive writ restraining the appellees from interference with the appellants' rights pending the appeal.

In election-related cases presenting similar time constraints, this Court has not hesitated to exercise its authority to preserve the status quo when election timelines threaten to outrun the judicial process. In *League of Women Voters of Florida v. Data Targeting, Inc.*, 140 So. 3d 510 (Fla. 2014), this Court invoked its all writs authority to stay a First District order involving a challenge to a congressional redistricting plan under the Fair Districts Amendment with an imminent election on the horizon—concluding that a stay was necessary to "maintain the status quo" and "prevent any irreparable harm." *Id.* at 514. At other times, the lower courts have acted similarly. For example, in *Jackson v. Leon County Elections Canvassing Board*, 214 So. 3d 705, 708 (Fla. 1st DCA 2016), the First

District exercised its all-writs authority to issue a "constitutional stay writ" in an election contest—preventing a candidate from taking the oath of office pending a final judgment—because allowing the proceedings to continue without intervention would have mooted the court's jurisdiction to resolve the candidate's eligibility. The court found the issuance of the writ was "necessary to preserve [the court's] jurisdiction to fully resolve" the underlying claim. *Id.*

This Court has also established that a constitutional writ may take the form of an affirmative order necessary to preserve the Court's eventual jurisdiction. In *Petit v. Adams*, 211 So. 2d 565, 566 (Fla. 1968), this Court issued an order pursuant to its all-writs authority directing the Dade County Canvassing Board to refrain from erasing voting machine counters because erasure "would render these proceedings moot and would in effect prevent this Court, in the event it determines it has jurisdiction, from the complete exercise thereof." And in *Florida Senate v. Graham*, 412 So. 2d 360, 361 (Fla. 1982), this Court similarly invoked its all-writs authority to issue an affirmative order declaring the Governor's apportionment session proclamation invalid and directing how the session must proceed

because waiting for normal processes would have mooted the issue and adversely affected the apportionment process.

Accordingly, Petitioners request a constitutional injunctive writ to preserve the status quo and this Court's ability to provide meaningful relief before the election timeline renders the exceedingly important questions presented in this appeal moot. *See Data Targeting*, 140 So. 3d at 515 (Lewis, J., concurring).

ARGUMENT

This Court may issue a constitutional injunctive writ when "some constitutional or statutory provision is about to be violated," when the writ "is indispensable to protect the rights of the party seeking it," when "the law affords no other remedy," or when "the rights in litigation are of such peculiar or intrinsic value or nature that the facts of the case make it imperative that they be held in status quo pending the adjudication of the cause on appeal." *Paramount Enters. v. Mitchell*, 140 So. 328, 330 (Fla. 1932). Any or all of these circumstances justify issuance of the writ here. Petitioners are thus "plainly entitled" to the "temporary injunctive relief [the lower court] should have granted but did not." *Anderson*, 159 So. at 784.

I. The 2026 Plan violates both Tier I and Tier II of the Florida Constitution.

A. The 2026 Plan was drawn with intent to favor the Republican Party and disfavor the Democratic Party.

The 2026 Plan unequivocally violates the Florida Constitution's requirement that "[n]o apportionment plan or individual district shall be drawn with the intent to favor or disfavor a political party." Art. III, § 20(a), Fla. Const. In contrast to "equal protection political gerrymandering claims" previously brought under the federal constitution, which ask when partisan intent "has gone too far," under the Florida Constitution, "there is no acceptable level of improper [partisan] intent." *Apportionment I*, 83 So. 3d at 616-17 (quoting *Vieth v. Jubelirer*, 541 U.S. 267, 296 (2004)). A partisan intent claim under the Florida Constitution may be shown with either direct or circumstantial evidence. *See id.* at 617. Here, both confirm what the map's drawer and its supporters publicly admitted—the 2026 Plan is an avowed, unequivocal, extreme partisan gerrymander.

1. Direct Evidence of Partisan Intent

Before the Legislature, the 2026 Plan's map drawer, Jason Poreda, admitted that he did not consider himself bound by the Fair Districts Amendment and consequently used partisan data to draw

the map. *See supra* Background I.D. This admission would have been a bombshell to discover in a trove of emails after years of litigation; it should be no less shocking because the map drawer admitted it publicly.

In prior redistricting cycles conducted under the Fair Districts Amendment, Florida's map drawers have gone to great lengths to disclaim consideration of *any* partisan data. *See supra* Background I.B. And just months before his office released the 2026 Plan, Governor DeSantis himself acknowledged that mapmakers "[are] *not allowed to use* the partisan data." App.1720 (emphasis added).

The trial court dismissed this direct evidence, concluding that Poreda's use of partisan data might not translate to partisan intent. *See* App.2778. But neither the trial court, nor Respondents, nor Poreda himself provided *any other explanation of what it might have been used for*. The context of Poreda's admission confirms he used data in a manner the Amendment prohibits: When Senator Osgood asked, "Did you analyze any partisan performance of districts before finalizing the maps?" Poreda responded, "So . . . not having to comply with the Fair Districts Amendments, the entire suite of redistricting

criteria that are available to other states, I used here, including partisan data." App.693.

Petitioners also presented direct evidence from the Governor's Office, which employed Poreda, *see* App.700-01, and with whom Poreda consulted in drawing the map, App.720-21. The day before the Legislature's special session began, the Governor's Office sent Fox News a partisan color-coded version of the 2026 Plan that depicted 24 red districts and 4 blue districts. App.1714-17. In a statement to Fox News, Governor DeSantis explained the map was drawn to reflect the increase of the Republican population of the state. App.1701-06.

The trial court also discounted Petitioners' undisputed direct evidence of unlawful intent—in a single sentence—by suggesting the unlawful intent might not be attributable to "the entire Legislature." App.2778. But the Florida Constitution states simply that "[n]o apportionment plan or individual district *shall be drawn* with the intent to favor or disfavor a political party or an incumbent." Art. III, § 20(a), Fla. Const. (emphasis added). Consequently, intent under the Amendment is primarily ascertained based on "the actions and

statements of . . . those directly involved in the map drawing process." *Apportionment VII*, 172 So. 3d at 388.

In any event, there is no question the Legislature was privy to Poreda's partisan efforts. Unlike the process that led to the 2012 Plan that this Court struck down as a partisan gerrymander, where external operatives "influence[d] the redistricting process and the congressional plan" unbeknownst to many legislators and even some map drawers, *Apportionment VII*, 172 So. 3d at 392, here the map drawer's damning admissions were presented in open session, in response to questioning from legislators, *see generally* App.443-768, and both the 2026 Plan's House and Senate sponsors acknowledged that Poreda used partisan data, *see* App.828, 2143-44. Far from being mere dupes to a covert mapmaker, the legislators were active participants in the 2026 Plan's violation of the Fair Districts Amendment.

2. Circumstantial Evidence of Intent

This case also features circumstantial evidence in spades—evidence that the trial court ignored entirely. *See* App.2779.

The trial court ignored Petitioners' expert evidence on the dubious grounds that Respondents raised "evidentiary objections" to

them and did not have an "adequate chance at rebuttal." *Id.* But that explanation ignores that Respondents did in fact serve two opposing expert reports, albeit poorly constructed, unpersuasive ones. *See* App.2243. Moreover, temporary injunction proceedings need not conform to traditional rules of evidence, as Respondents acknowledged below. *See* App.2585; *see also Bee Line Ent. Partners v. State*, 791 So. 2d 1197, 1205-06 (Fla. 5th DCA 2001). Accordingly, the trial court should have considered Petitioners' expert evidence, as well as Petitioners' additional circumstantial evidence, virtually none of which Respondents rebutted, and which is summarized below.

Effects of the 2026 Plan. Although the "partisan imbalance" of a plan alone does not establish partisan intent, partisan "effect" still serves as an "objective indicator[] of intent." *Apportionment I*, 83 So. 3d at 618. Consistent with the Governor's color-coded map, the 2026 Plan is expected to elect 24 Republicans and only 4 Democrats, giving Democrats only 14% of the state's congressional seats, despite their much larger statewide vote share. *See* App.325. Respondents did not rebut this. And the trial court did not consider it.

Petitioners also showed the 2026 Plan's partisan bias is more extreme than 99% of all plans enacted nationwide over the past 50 years, and is the *single most extreme plan* among states with comparably sized congressional delegations. *See* App.325-26. These kinds of partisan bias measures evince partisan intent. *See League of Women Voters of Ohio v. Ohio Redistricting Comm'n*, 192 N.E.3d 379, 411-12 (Ohio 2022). Respondents' expert did not dispute any of Petitioners' expert's conclusions or claim to find any errors in his analysis on this score. Nor did the trial court consider this evidence.

Shape of District Lines. The "shape of district lines," in conjunction with "the demographics of an area," also serve as "objective indicators of intent." *Apportionment I*, 83 So. 3d at 617. Here, the 2026 Plan's packing and cracking of Democratic voters is so stark that even a political novice can understand the goal. *See* App.182-92 (showing how the 2026 Plan creates a pinwheel out of the Democratic-leaning city of Tampa), App.192-99 (showing how the 2026 Plan packs Democrats in Orange County and cracks the rest), App.200-06 (showing how the 2026 Plan creates blue islands out of CDs 20 and 24). To date, Respondents have not defended how a single line in the 2026 Plan was drawn. Nor did the trial court

consider this evidence, even though much of it does not require sophisticated expert analysis.

Disregard for Tier II Principles. Florida's Tier II criteria, including its mandate to draw compact districts and adhere to political and geographical boundaries, is meant to cabin improper partisan intent. *See Apportionment I*, 83 So. 3d at 632, 635, 638. Consequently, "the extent to which the Legislature complies with the sum of Florida's traditional redistricting principles [under Tier II] serves as an objective indicator of [partisan intent]." *Id.* at 639.

As compared to the 2022 Plan, the 2026 Plan is *less* compact, splits *more* counties, splits nearly *double* the number of cities (from 16 to 30), and *decreases* adherence to political and geographical boundaries generally. *See* App.182; *see also infra* Argument I.B. (detailing the 2026 Plan's Tier II violations). And it does so most dramatically in the specific regions and districts whose partisanship has been altered the most. *See* App.171, 188, 198, 204. Below, Respondents did not rebut this evidence. Nor did the trial court consider it; indeed, the court did not address Petitioners' Tier II claims *at all. See infra* Argument I.B.

Alternate Plans. Alternate maps may serve as "relevant proof that the [plan] consist[s] of district configurations that are not explained other than by [partisan intent]." *Apportionment I*, 83 So. 3d at 611. Courts have repeatedly relied on computer-simulated maps, including specifically by Petitioners' expert Dr. Chen, to find evidence of partisan gerrymandering. *See Adams v. DeWine*, 195 N.E.3d 74, 87-89 (Ohio 2022) (crediting Dr. Chen's simulation analysis in striking down map as partisan gerrymander); *League of Women Voters v. Commonwealth*, 178 A.3d 737, 817-20 (Pa. 2018) (same).

Here, that proof is stark: Dr. Chen produced 5,000 computer-simulated plans that are race-blind, partisan-blind, and comply with traditional redistricting criteria better than the 2026 Plan does. *See* App.229-30, 2528-51. The 2026 Plan is a statistical outlier in favor of the Republican Party on every partisan measure that Dr. Chen examines. *See generally id.*

Because these maps are based on Florida's demographics and geography, Florida's political geography cannot explain the 2026 Plan's extreme partisan results. *See* App.225, 229-30. Because the maps are drawn race-blind, a race-neutral plan cannot explain the 2026 Plan's extreme partisan results. *See* App.225, 230. And because

the maps are designed to prioritize traditional redistricting criteria, any attempted compliance with Tier II criteria cannot explain the 2026 Plan's extreme partisan results. *See id.*

Respondents' experts did not even attempt to rebut these conclusions. And the trial court, again, did not even discuss Dr. Chen's simulations.

Sequence of Events Leading to 2026 Plan. The "specific sequence of events leading up to the challenged decision also may shed some light on the decisionmaker's purposes." *Apportionment VII*, 172 So. 3d at 389 (quotation omitted). Here, the sequence speaks for itself: The Governor announced his intention to redistrict mere weeks after the U.S. President pressured Republicans to redistrict for partisan gain. *See supra* Background I.C. National and state Republicans (including Florida state legislators) called on Florida to join the fray, openly speculating about how many Republican seats Florida could realistically add. *See supra* Background I.C. This included the Governor's own staff, who reposted arguments that Republicans should "go for BROKE in Florida" to "cancel out Virginia." *See supra* Background I.C. The Governor's Office then began the special session by releasing the 2026 Plan, color coded in

red and blue, as a media exclusive. *See supra* Background I.D. It is impossible to believe a partisan-neutral map came out of that process, and indeed it did not. Respondents brushed this evidence aside, but did not contest it. And the trial court did not consider it.

Departure from Normal Sequence. In evaluating intent, courts may also consider "[d]epartures from the normal procedural sequence." *Apportionment VII*, 172 So. 3d at 389 (citation omitted). This redistricting process was unusual from the start: it was conducted voluntarily and mid-decade, a break from the traditional course of redistricting once per decade on a non-partisan, reapportioning basis. The map drawing process was conducted entirely in secret, with multiple procedural departures from prior redistricting cycles. *See supra* Background I.B. And when the plan was finally released, the Governor's team argued they were not actually constrained by the Fair Districts Amendment in drawing it. *See id.* That alone is a significant departure from the normal sequence. In the normal course, Florida lawmakers and mapmakers at least feign compliance with Florida law. *See, e.g.*, *Apportionment VII*, 172 So. 3d at 376. Respondents did not contest any of this evidence or the fact that these were unusual departures from the

normal sequence. Nor did the trial court appear to consider this evidence.

Pretextual Explanations. Finally, courts may also consider whether any explanations appear pretextual in assessing intent. *Apportionment I*, 83 So. 3d at 673. There are two such pretextual explanations here. The first is the Governor's explanation that Florida needed to redistrict to respond to population changes since 2020. But the 2026 Plan could not have accomplished that goal. Because both the 2022 Plan and the 2026 Plan use the 2020 Census to divide population among districts, the 2026 Plan cannot reflect population growth. *See* App.181, 692-93. It is also telling that the 2026 Plan's changes do not actually correlate with the areas that have seen the most population growth. *See* App.181-82. Respondents did not contest this point.

The second pretextual explanation was the need for a race-neutral plan. But the professed aim of race-neutrality, even if genuine, would not require changes to any districts in Tampa Bay or Central Florida, both of which the Governor's map drawer in 2022 proclaimed were drawn without *any* consideration of race. *See supra* Background I.B. Nor were the extreme partisan changes that the

2026 Plan made to the rest of South Florida required to achieve a race-neutral plan. As Dr. Chen's plans showed, race neutrality does not yield such extreme partisan consequences. *See supra* Background I.E.

This entire mid-decade redistricting process made a mockery of the Fair Districts Amendment. The evidence, including when "viewed cumulatively," "demonstrate[s] a clear pattern." *Apportionment I*, 83 So. 3d at 654. Because "[a] finding of partisan intent . . . renders the Legislature's redistricting plan constitutionally invalid," *Apportionment VII*, 172 So. 3d at 375 (citation omitted), the Court should use its all writs authority to preserve the status quo by enjoining the 2026 Plan and ordering use of the 2022 Plan while this case proceeds in the lower courts.

B. The 2026 Plan violates the Florida Constitution's Tier II requirements.

The 2026 Plan also violates the Amendment's Tier II requirements that "districts shall be compact" and "districts shall, where feasible, utilize existing political and geographical boundaries" "[u]nless compliance . . . conflicts with the [Tier I requirements] or with federal law." Art. III, § 20(b), Fla. Const. The trial court neglected

to address Petitioners' Tier II claims below, making no findings of fact or conclusions of law related to them. *See* App.2779.

1. The 2026 Plan violates the constitutional compactness mandate.

The constitutional compactness mandate "ensure[s] that districts are logically drawn and that bizarrely shaped districts are avoided." *Apportionment I*, 83 So. 3d at 636. "Compactness can be evaluated both visually and by employing standard mathematical measurements." *Id.* Noncompact districts are impermissible "unless . . . necessary to comply with some other requirement." *Id.* at 634.

The 2026 Plan violates the Florida Constitution's compactness requirement. The 2026 Plan is less compact than the 2022 Plan on multiple measures of compactness. *Compare* App.440, *with* App.1211, 1216; *see also* App.182. And Dr. Chen's race-blind and partisan-blind simulated plans show the 2026 Plan is substantially less compact than can be achieved in Florida, both statewide and in every region he examines. App.232 (plan-wide), 276, 279-81 (Tampa Bay), 283-85 (Orlando), 287-92 (South Florida). This lack of compactness cannot be explained as the product of the Amendment's Tier I criteria, including its race protections, as Poreda was explicit

that he did not consider himself bound by those criteria. *See* App.693. The 2026 Plan's unnecessary reduction in statewide compactness thus violates the mandate that "districts shall be compact." Art. III, § 20(b), Fla. Const.

Furthermore, the 2026 Plan's CDs 9, 15, 16, 22, and 25 are individually unlawfully noncompact, as demonstrated by their visual appearance and compactness metrics. CD-25 scores poorly on each of the compactness metrics, App.201, 210, is an outlier compared to Dr. Chen's maps, App.287-89, and bears a striking resemblance to coastal districts this Court has previously held to violate the constitutional compactness requirement, *compare* App.917, *with Apportionment I*, 83 So. 3d at 672, 674. CDs 9, 15, and 16 are similarly visually and mathematically noncompact, *see* App.908-17; *see also* App.190-91,199, and are statistical outliers in their sprawling configurations, *see* App.276-85. CD-22, which stretches across southern Florida, from Marco Island in the west to Wellington in the east, is likewise noncompact. *See* App.910; *see also* App.201.

Respondents barely attempted to rebut Petitioners' Tier II evidence before the trial court. The Secretary rested on the assertion that "the overall compactness of the [2026 Plan] is consistent with

the" 2022 Plan. App.2245-46. This characterization glossed over the fact that the 2026 Plan is *less* compact than the 2022 Plan, App.440, 1232, ignored that the compactness inquiry includes "visual examination" in addition to consideration of compactness metrics, *see Apportionment I*, 83 So. 3d at 613, and left entirely unaddressed Petitioners' district-specific arguments, *see* App.131-39. The Senate, for its part, protested employing simulation evidence to assess compactness or boundary utilization, *see* App.2461, but did not defend the Tier II compliance of the 2026 Plan or of any individual district. And the House did not address the 2026 Plan's Tier II compliance at all. *See generally* App.2266-422.

Unable to dispute what is plainly visible, Respondents suggested Tier II violations are too difficult for courts to resolve in temporary injunction proceedings because they are "fact-dependent." App.2461. And indeed, the trial court did not address Petitioners' compactness claims at all. But this Court has had no trouble finding Tier II violations on an expedited basis pursuant to the facial review procedure for state legislative districts. *See Apportionment I*, 83 So. 3d at 653-83; *see also* Art. III, § 16(c), Fla. Const. (requiring automatic, expedited judicial review of legislative apportionments).

Because each of the districts discussed above, and the 2026 Plan as a whole, violate the Florida Constitution's compactness requirement, this Court should enjoin the 2026 Plan to maintain the status quo as this case proceeds.

2. The 2026 Plan violates the constitutional requirement to utilize existing political and geographical boundaries where feasible.

The 2026 Plan and its individual districts, including CDs 9, 10, 12, 14, 15, 16, 20, 22, 23, 24, and 25, violate the Florida Constitution's requirement that "districts shall, where feasible, utilize existing political and geographical boundaries." Art. III, § 20(b), Fla. Const. This Court considers "adherence to county and city boundaries as political boundaries, and rivers, railways, interstates and state roads as geographical boundaries." *Apportionment I*, 83 So. 3d at 638.

Compared to the 2022 Plan, the 2026 Plan splits nearly twice as many cities (30 split cities instead of 16 cities), splits two additional counties, increases the total number of times that counties are split, and decreases its adherence to political and geographical boundaries generally. *See* App.441-42, 1211, 1230-32; *see also* App.182.

At the district level, first starting in Tampa Bay, the 2026 Plan slices Tampa into thirds and St. Petersburg in half even though each city could be kept in one congressional district. App.191-92. Counties such as Hillsborough and Pasco are also divided far more than necessary. App.191.

In Central Florida, the 2026 Plan unnecessarily splits the city of Orlando as well as Orange, Osceola, and Polk Counties. App.191-92, 196-99. Approximately one-third of CD-10's boundaries do not correspond to existing political or geographical boundaries, making it one of the worst-performing districts on this basis. App.440.

And finally, in South Florida, CDs 20, 22, 23, 24, and 25 unnecessarily split numerous cities. *See* App.191 n.3, 206-09, 442. CDs 22 and 25 alone split 15 cities, only one less than the 2022 Plan for all 28 districts. App.206, 1211. The districts also unnecessarily increase the number of splits of Broward, Miami-Dade, and Palm Beach Counties. App.205. Nearly one-third of CD-20's boundaries fail to correspond to existing political or geographic boundaries, and other districts in the area perform similarly poorly. App.440.

The failure of these districts and the 2026 Plan as a whole to utilize existing political and geographical boundaries cannot be

explained by the need to comply with other provisions in the Fair Districts Amendment, because the map drawer avowedly did not consider himself bound by those constitutional requirements. App.693. The Legislature had no legal obligation to redistrict mid-decade, and in doing so chose to enact a plan with two more split counties and 14 more split cities—all split substantially more times—than the 2022 Plan, and that adheres less closely to existing political and geographic boundaries than the 2022 Plan. *See* App.441-42, 1211, 1230-32.

Here again, the trial court made no effort whatsoever to address Petitioners' boundary-utilization claims, even though this Court has found Tier II violations in expedited proceedings. *See, e.g.*, *Apportionment I*, 83 So. 3d at 673. This Court should enter a constitutional injunctive writ to protect the status quo and enjoin the 2026 Plan given its violation of the Florida Constitution's Tier II boundary-utilization requirement. *See Paramount Enters.*, 140 So. at 330.

C. There is no basis to ignore the Florida Constitution's redistricting mandates.

Because the 2026 Plan is plainly unconstitutional, Respondents resorted to an extraordinary argument: that they need not comply with the Florida Constitution's explicit prohibition on partisan gerrymandering at all. As the Governor's counsel conceded before the Legislature, this theory succeeds only if the Fair Districts Amendment's racial protections are wholly unconstitutional under the U.S. Constitution's Equal Protection Clause, *and* the Amendment's *other* separate provisions are non-severable. App.718. But longstanding presumptions in favor of preserving constitutional enactments require this Court to adopt a saving construction of the Amendment's race provisions, if necessary, *and* to preserve the rest of the Amendment even if those provisions should fail.

1. The Fair Districts Amendment's race provisions are not unconstitutional or unenforceable in all of their applications.

For this Court to decline to enforce the Florida Constitution's express prohibition on partisan gerrymandering (or any of the Amendment's other requirements, including its Tier II criteria), it would *first* have to hold a *separate* provision of the Fair Districts

Amendment—specifically, its racial protections—facially unconstitutional. But this would constitute a sweeping and drastic conclusion that *Louisiana v. Callais* provides no basis to reach. Although many predicted that *Callais* would invalidate Section 2 of the Voting Rights Act, it did not. Instead, *Callais* held that compliance with Section 2 remains a compelling state interest, so long as the requisite evidence of discriminatory intent is present. *Louisiana v. Callais*, 146 S. Ct. 1131, 1156-57 (2026).

Callais provides no legal basis to conclude the Amendment's race provisions are suddenly unlawful or could not be applied lawfully, consistent with *Callais*. The Court can and should reach this conclusion in two simple steps: first, by recognizing that it has a duty to construe the Amendment in a manner that would render it constitutional if at all possible, and second, by interpreting the Amendment consistently with federal VRA precedent, which now includes *Callais*.

First, laws, including constitutional provisions, have a "presumption of constitutionality," and Florida courts have an obligation to construe them "to effect a constitutional outcome whenever possible." *Fla. Dep't of Revenue v. Howard*, 916 So. 2d 640,

642 (Fla. 2005); *see also City of Tallahassee v. Fla. Police Benevolent Ass'n, Inc.*, 375 So. 3d 178, 188 n.14 (Fla. 2023) (in construing constitutional provision, noting the "elementary rule" "that every reasonable construction must be resorted to in order to save a [provision] from unconstitutionality" (alteration in original) (citation omitted)). The Court therefore has an obligation to adopt a saving construction where, as here, one is available.

In fact, this is precisely the approach *Callais* itself took. Section 2 of the VRA, like the corresponding provision of the Fair Districts Amendment, textually prohibits voting practices that "*result*[] in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color," 52 U.S.C. § 10301(a) (emphasis added). Although the Court read the statute on its face to raise constitutional concerns, it construed the statute to "properly fit within" the requirements of the U.S. Constitution by reading in a requirement that Section 2 requires evidence of "intentional discrimination." *Callais*, 146 S. Ct. at 1156; *see also id.* (recognizing "where an alternative interpretation of the statute is fairly possible, we are obligated to construe the statute to avoid such problems.") (quotation and citation omitted).

Second, this Court's precedent holds that the Amendment's race provisions should be interpreted consistently with federal VRA precedent. *See Apportionment I*, 83 So. 3d at 619-20 (explaining that because the Fair Districts Amendments' race provisions "follow almost verbatim the requirements embodied in the Federal Voting Rights Act," "our interpretation of Florida's corresponding provision is guided by prevailing United States Supreme Court precedent" (citation modified)); *Black Voters Matter*, 415 So. 3d at 187 (adhering to this approach). And while *Callais* has changed the applicable standard for federal VRA claims, *Callais* did not strike down Section 2 as unconstitutional. Accordingly, any Florida court evaluating a future claim under the corresponding race provisions of the Fair Districts Amendment (which this case itself does not raise) can likewise apply the *Callais* standard to that claim *without striking down the Amendment as unconstitutional*.

The substantive legal standard announced in *Callais* also eliminates any constitutional concerns the Amendment might raise. *Callais* made clear that the federal VRA imposes liability only if plaintiffs can show evidence of "present-day intentional racial discrimination regarding voting," rather than "discrimination that

occurred some time ago," *Callais*, 146 S. Ct. at 1160. Adopting this construction to the equivalent provisions of the Fair Districts Amendment is not only consistent with this Court's approach of reading the Amendment consistent with the VRA, it directly addresses the concern this Court raised in *Black Voters Matter*: that the Amendment's provisions might be invoked for a particular district without tying them to "findings of intentional discrimination, past or present." 415 So. 3d at 197.

Properly understood, the Amendment's race provisions can be interpreted to fall entirely within the limits of the U.S. Constitution. Such an approach is faithful to Florida law and consistent with *Callais*.

2. The severability doctrine requires this Court to preserve the rest of the Amendment, if necessary.

Even if the Fair Districts Amendment's race protections were unconstitutional, the rest of the revisions that the Amendment made to the Florida Constitution would continue to have independent significance. Those remaining provisions would include: a contiguity requirement, a prohibition on favoring a political party or incumbent, an equal population requirement, a requirement to draw compact

districts, and a requirement to utilize political and geographical boundaries, where feasible. *See* Art. III, § 20(a)-(b), Fla. Const. The only way Respondents can avoid these explicit mandates in the Florida Constitution is if they are non-severable from the race provision. But such a finding would be contrary to long-standing precedent of this Court.

The severability doctrine requires "the judiciary to uphold the constitutionality of legislative enactments where it is possible to strike only the unconstitutional portions." *Ray v. Mortham*, 742 So. 2d 1276, 1280 (Fla. 1999); *see also State v. Calhoun County*, 170 So. 883, 886 (Fla. 1936) (recognizing the clear preference under Florida law to preserve the constitutionality of enactments such that if one provision is "consistent with the limitations of the Constitution and another in violation of them, the latter should not control to strike down the statute"). And *Ray* specifically holds this presumption applies to constitutional amendments enacted by the citizens of Florida. 742 So. 2d at 1281; *see also Lane v. Chiles*, 698 So. 2d 260, 263 (Fla. 1997) (recognizing ultimate deference to constitutional amendments).

To the extent there were any question whether the rest of the Amendment's prohibitions could stand alone without the race provisions, this Court's own precedent confirms that it could. Indeed, this Court has invalidated districts solely based on partisanship and Tier II violations, without any need to interpret or apply the race provisions. *See, e.g.*, *Apportionment I*, 83 So. 3d at 662-65 (finding violations of compactness and boundary requirements in majority-white districts); *id.* at 672-73 (same). Further, the fact that numerous other states have enacted prohibitions on partisan gerrymandering and imposed similar compactness and political boundary requirements without any corresponding racial protections confirms that such provisions are fully capable of operating as standalone requirements. *See, e.g.*, Ariz. Const. art. IV, pt. 2, § 1(14); Haw. Rev. Stat. § 25-2(b); Idaho Code § 72-1506; Mich. Const. art. IV, § 6(13); Mont. Code Ann. § 5-1-115(2); Wash. Rev. Code § 44.05.090.

Whatever the constitutionality of the Amendment's race protections—a question that ultimately this Court need not reach in this case—the Amendment's prohibition on partisan gerrymandering and its Tier II criteria stand on their own, remain fully in force, and are sufficient to invalidate the 2026 Plan.

II. The constitutional injunctive writ is indispensable to protect Petitioners' rights.

A writ enjoining the 2026 Plan is "indispensable" to protect Petitioners' rights. *Paramount Enters.*, 140 So. at 330. Article III, Section 20 guarantees Petitioners a constitutional right to vote in congressional districts drawn free of partisan intent and in compliance with the compactness and boundary-utilization requirements. If the 2026 elections are conducted under the unlawful 2026 Plan, Petitioners' constitutional rights will be irreparably injured. Florida "law recognizes that a continuing constitutional violation, in and of itself, constitutes irreparable harm." *Bd. of Cnty. Comm'rs v. Home Builders Ass'n of W. Fla., Inc.*, 325 So. 3d 981, 985 (Fla. 1st DCA 2021) (quotation omitted). Harms to the constitutional right to vote are quintessentially irreparable because "once the election occurs, there can be no do-over and no redress" for voters whose rights were violated. *League of Women Voters of N.C. v. North Carolina*, 769 F.3d 224, 247 (4th Cir. 2014); *see also, e.g.*, *Larios v. Cox*, 305 F. Supp. 2d 1335, 1343-44 (N.D. Ga. 2004) (per curiam) (three-judge court) (recognizing an unconstitutional redistricting plan would result in "irreparable harm to the plaintiffs, and to all

voters in Georgia who have had their votes unconstitutionally debased," and that court had "a responsibility to ensure that future elections will not be conducted under unconstitutional plans"), *aff'd*, 542 U.S. 947 (2004).

III. Petitioners have no adequate remedy at law.

No other remedy exists under Florida law to address the harm Petitioners will suffer if the 2026 elections proceed under an unconstitutional plan: a conclusion Respondents have not disputed. App.2779. Indeed, it is well established that Petitioners lack an adequate remedy at law where, as here, their injuries result from a violation of a fundamental constitutional right. *See, e.g.*, *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1263-64 (Fla. 2017) ("In light of finding that the [challenged law] is likely unconstitutional, there is no adequate legal remedy at law for the improper enforcement of the [law]."), *overruled on other grounds by Planned Parenthood of Sw. & Cent. Fla.*, 384 So. 3d 67; *see also League of Women Voters of Fla. v. Detzner*, 314 F. Supp. 3d 1205, 1223 (N.D. Fla. 2018) (granting temporary injunction in voting-related case because injury could not "be undone through monetary remedies" (quoting *Cunningham v. Adams*, 808 F.2d 815, 821 (11th Cir. 1987)).

IV. The facts of this case and the rights at stake make it imperative to maintain the status quo pending appeal.

This Court has the authority under its all-writs power to temporarily enjoin the 2026 Plan and order elections to proceed under the 2022 Plan until this case is resolved on the merits. *See supra* Nature of the Relief Sought. Such action would not be a drastic step, nor would it encroach on the political branches' authority. It would leave in place a court-approved map that was in place for the past four years, that Respondents themselves drew, enacted, and defended (indeed, are still defending) over the course of years of litigation, and that the Secretary's Office instructed all 67 Supervisors of Elections to preserve the day the Governor signed the 2026 Plan into law "in case the need to implement [the 2022 Plan] becomes necessary." App.922. Nor would returning to the 2022 Plan at this point cause significant disruption: Florida's qualifying window has not passed, and even if it did, this Court retains inherent authority to modify it to prevent constitutional harm.

A. The trial court's refusal to restore the 2022 Plan on the assumption that it was unconstitutional was legal error.

Below, the trial court declined to restore the 2022 Plan, improperly treating the political branches' choice to replace the 2022 Plan as a "declaration" of that plan's unconstitutionality that prevented the trial court from reinstating it. App.2777. But the Legislature is not the arbiter of the 2022 Plan's constitutionality and its decision to replace it cannot bear the weight that the trial court gave it. Indeed, notably, neither the Florida House nor Senate actually contended in the trial court that the 2022 Plan is unlawful, *see supra* Background II. And denying a temporary injunction simply out of respect for the political branches' decision to replace the redistricting plan (something that would be true in any redistricting challenge) would effectively give the political branches veto power over temporary injunctive relief. *But see Bush v. Schiavo*, 885 So. 2d 321, 330 (Fla. 2004) (explaining the judiciary is "vested with the sole authority to exercise the judicial power" (quotation omitted)).

The trial court also erred in crediting the Secretary's evidence-free characterization of the 2022 Plan as a racial gerrymander as a "finding" sufficient to defeat status quo restoration. App.2777. The

2022 Plan is a lawfully enacted map that has been upheld by two courts, and, under this Court precedent, "is entitled to a presumption of validity." *Black Voters Matter Capacity Bldg. Inst.*, 415 So. 3d at 197. Under U.S. Supreme Court precedent, too, the Legislature receives a "presumption of legislative good faith" when it comes to accusations of racial gerrymandering—an "especially stringent" presumption that directs courts "to draw the inference" that race did not predominate. *Alexander v. S.C. State Conf. of the NAACP*, 602 U.S. 1, 10-11 (2024). Particularly in light of the presumption of validity due to the 2022 Plan, the Secretary's two-paragraph contention in briefing submitted to the trial court that the 2022 Plan *might* be unlawful—a position that was not supported by *any* evidence, App.2236-37—merits virtually no weight.

In any event, the record before the trial court—and now this Court—thoroughly refutes this implication. The 2022 Plan's chief map drawer insisted the 2022 Plan *was drawn without race as a factor*. App.1134-35, 1159; *see also* App.1077 (Kelly telling the Legislature, "we drew districts in a race neutral way"). For Tampa Bay districts, Kelly was explicit: "Race and political partisan data in no way related at all to my drawing[] of Districts 13, 14, 15, 16."

App.1079. Kelly similarly asserted the Central Florida districts were "drawn on race neutral principles." App.1136. And Poreda, who drew the 2022 Plan's South Florida districts, testified before a federal court that such districts "were drawn race-neutrally," App.1439, and that even for the minority-protected districts, that "race-neutral" factors drove the line-drawing decisions. App.1438-39. The only way to conclude that the 2022 Plan's districts were racially gerrymandered is to find that the State's map drawers lied to the Legislature, the public, and the courts.

The only district the Governor's Office identified as an impermissible racial gerrymander was CD-5, which Kelly's map eliminated. In subsequent litigation concerning then-CD-5, the Respondents here—including the Florida House and Senate—were adamant: "No other district . . . raises the same equal-protection concerns" as CD-5. App.2563. That position should be fatal to the Secretary's drive-by suggestion at the trial court that race predominated in the 2022 Plan.

Although the Governor recently professed concern over the compactness of the 2022 Plan's CD-20, *see* App.369-71, that district is a far cry from the district this Court recently held was

unconstitutionally noncompact. Indeed, CD-20 substantially outperforms the configuration of prior CD-5 on every compactness measure. *Compare* App.1292, *with* App.440. The Governor's alleged concern with CD-20's compactness rings especially hollow given the 2026 Plan's sprawling districts, including some that are less compact on *every compactness measure* than CD-20 in the 2022 Plan. *Compare* App.1216, *with* App.377.

Against the prevailing presumptions in favor of the 2022 Plan's constitution, the presumptions against finding racial intent, and the lack of evidence before this Court demonstrating that CD-20 is a racial gerrymander, it cannot be that the Secretary or the Governor can simply invoke CD-20's "odd shape," *see* App.2236-37, and preclude a court from restoring the 2022 Plan.

B. The equities and public interest require enjoining the 2026 Plan and reinstating the 2022 Plan.

The public interest overwhelmingly favors enjoining the 2026 Plan and ordering upcoming elections to occur under the 2022 Plan. As Florida courts have consistently recognized, "enjoining the enforcement of a law that encroaches on a fundamental constitutional right presumptively would serve the public interest."

Green v. Alachua County, 323 So. 3d 246, 254 (Fla. 1st DCA 2021) (citation modified). The right to vote in congressional elections conducted under a lawful map is precisely such a fundamental constitutional right.

The equities particularly favor exercise of this Court's all-writs authority given Respondents' open defiance of constitutional requirements. The 2026 Plan was not enacted based on a good-faith legal judgment that it complies with the Florida Constitution as written, but on an explicit bet that courts will relieve Respondents from complying with it. But the political branches' legal theories about what courts *might* do does not suspend the relevant provisions of the Florida Constitution, relieve Respondents from complying with them, or authorize this Court to look the other way while elections are conducted under a map drawn in knowing violation of these explicit constitutional requirements.

The public interest is similarly not served by declining to act simply because the election is approaching. The trial court invoked *Purcell v. Gonzalez*, 549 U.S. 1 (2006), but correctly recognized it is "a federal prudential policy of restraint for federal courts." App.2780. That is right: *Purcell* is a *federal* doctrine rooted in *federalism*

concerns about *federal* courts overriding state election rules, and it does not bind Florida state courts enforcing the Florida Constitution. *See, e.g.*, *Harkenrider v. Hochul*, 197 N.E.3d 437, 454 n.16 (N.Y. 2022) (*Purcell* "does not limit state judicial authority where, as here, a state court must intervene to remedy violations of the State Constitution").

Even in federal court, *Purcell* has never constituted a per se bar to relief: the U.S. Supreme Court recently enjoined a redistricting plan *after* the candidate qualifying period and *amid* early voting without mentioning *Purcell*. *See* Order on Appl. to Issue the J. Forthwith, *Louisiana v. Callais*, No. 25A1197 (U.S. May 4, 2026). And courts have consistently granted redistricting relief on timelines comparable to or shorter than what remains available here. *See Harkenrider*, 197 N.E.3d at 454-56 (enjoining plan after qualifying period had already passed).

The true equitable principle that applies here is the one the trial court overlooked: equity does not reward a party that creates the urgency it seeks to exploit. *See Bowling v. Nat'l Convoy & Trucking Co.*, 135 So. 541, 544 (Fla. 1931) ("equity will not permit a wrongdoer to shelter himself behind a suddenly and secretly changed status,

although he succeeded in making the change before the hand of the chancellor has actually reached him").

And that is precisely what happened here: Respondents have attempted to shelter the unlawful 2026 Plan from meaningful judicial review, hoping to run out the clock. That effort started last year: The Governor indicated his interest in mid-decade redistricting in July 2025, announced in *January* that a special session would not occur until *April*, delayed that special session, and then waited to sign the 2026 Plan into law. Petitioners tried to vindicate their constitutional rights as quickly as possible, but Respondents sought delay at every turn. Respondents first moved to disqualify the first assigned judge on the dubious grounds that the judge was partial to *the Secretary's* counsel,[1] and then insisted they were only available for the latest offered date by the second assigned judge for a temporary injunction hearing. After their motion was denied, Petitioners filed their papers in the First District as soon as an appellate docket was available; Respondents then opposed Petitioners' motion for pass-through

[1] Jacob Ogles, *Cord Byrd convinces Judge hearing redistricting challenge to disqualify himself from the case*, Fla. Politics (May 7, 2026), https://perma.cc/833M-VQY9.

certification and motion to expedite, requesting a response date after the candidate qualifying period. Petitioners file this Petition one day after the First District denied their motion to expedite appeal. Petitioners could not have moved faster.

Respondents will no doubt argue it is now too late for this Court to enjoin the 2026 Plan. That is flatly incorrect. Florida's congressional qualifying period currently runs from June 8 to June 12. § 99.061(9), Fla. Stat. The fact that qualifying is approaching does not make a remedy impossible; it underscores the need for prompt action. And if this Petition is resolved swiftly, modification of the qualifying period would not be necessary. During a year of apportionment, congressional candidates may submit qualifying signatures "from *any* registered voter in Florida regardless of . . . district boundaries." § 99.09651(3), Fla. Stat (emphasis added). Thus, if this Court were to enjoin the 2026 Plan next week, congressional candidates could use any signatures they already collected and at most would need to specify a new district, if they so desired.

Moreover, courts have inherent equitable authority to adjust or extend the qualifying window if it ends up being necessary to avoid a

constitutional violation. *See, e.g.*, *Johnson v. Mortham*, 926 F. Supp. 1540, 1542 (N.D. Fla. 1996); *Connor v. Johnson*, 402 U.S. 690, 692-93 (1971). In *Mortham*, the Northern District of Florida invoked its equitable authority "[t]o remove any uncertainty" by extending the qualifying period for congressional candidates statewide. 926 F. Supp. at 1542 n.1. The court also rejected administrative burden as a basis for denying relief, explaining that "the mere administrative inconvenience the Florida Legislature and Florida elections officials will face in redistricting simply cannot justify denial of Plaintiffs' fundamental rights." *Id.* at 1542. So too here.

As a practical matter, the upcoming elections can occur under the same congressional district lines that have governed elections in 2022 and 2024 and that the State has instructed Supervisors to preserve. App.351-52. The fact that qualifying will begin soon is therefore a reason to act quickly—not a reason to deny relief altogether.

CONCLUSION

Petitioners respectfully request that this Court exercise its all-writs authority to temporarily enjoin the 2026 Plan and order that congressional elections proceed under the 2022 Plan.

Dated: June 4, 2026

Respectfully submitted,

/s/ Frederick S. Wermuth

Frederick S. Wermuth
Florida Bar No. 0184111
Quinn B. Ritter
Florida Bar No. 1018135
KING, BLACKWELL, ZEHNDER & WERMUTH, P.A.
25 East Pine Street
Orlando, FL 32801
T: (407) 422-2472
F: (407) 648-0161
fwermuth@kbzwlaw.com
qritter@kbzwlaw.com
courtfilings@kbzwlaw.com
agonzalez@kbzwlaw.com

Counsel for Petitioners

Abha Khanna*
ELIAS LAW GROUP LLP
1700 Seventh Avenue
Suite 2100
Seattle, WA 98101
T: (206) 656-0177
F: (206) 656-0180
akhanna@elias.law

Christina Ford
Florida Bar No. 1011634
Harleen K. Gambhir*
Julie Zuckerbrod*
ELIAS LAW GROUP LLP
250 Massachusetts Ave NW
Suite 400
Washington, D.C. 20001
T: (202) 968-4490
F: (202) 968-4498
cford@elias.law
hgambhir@elias.law
jzuckerbrod@elias.law

Counsel for Petitioners

** Pro hac vice application forthcoming*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by email to the following attorneys on June 4, 2026:

Mohammad O. Jazil, Esq.
Holtzman Vogel Baran Torchinsky & Josefiak, PLLC
119 S. Monroe Street, Suite 500
Tallahassee, FL 32301
MJazil@holtzmanvogel.com
KGordon@holtzmanvogel.com

Ashley E. Davis, Esq.
General Counsel
Florida Department of State
500 S. Bronough Street
Suite 100
Tallahassee, FL 32399-0250
Ashley.davis@dos.fl.gov
Jenna.mclanahan@dos.fl.gov

Jeffrey P. DeSousa
David M.S. Dewhirst
Jason J. Muehlhoff
Office of the Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
jeffrey.desousa@myfloridalegal.com
david.dewhirst@myfloridalegal.com
jason.muehlhoff@myfloridalegal.com
jenna.hodges@myfloridalegal.com

Counsel for Florida Secretary of State

Daniel E. Nordby
Shutts & Bowen LLP
215 S. Monroe Street
Suite 804
Tallahassee, FL 32301
DNordby@shutts.com
TPrice@shutts.com
KReardon@shutts.com
MMcCormick@shutts.com

Counsel for Florida Senate

Andy Bardos, Esq.
GrayRobinson, P.A.
301 S. Bronough Street
Suite 600
Tallahassee, FL 32302
andy.bardos@gray-robinson.com

Carmen Manrara Cartaya, Esq.
Lazaro P. Fields, Esq.
Continental PLLC
245 Alcazar Avenue
Coral Gables, FL 33134
CCartaya@continentalpllc.com
LFields@continentalpllc.com
HGray@continentalpllc.com
Service@continentalpllc.com

Counsel for Florida House of Representatives

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY under Florida Rules of Appellate Procedure 9.045(b), 9.100(g), and 9.210(a)(2)(B) that this petition has utilized 14-point Bookman Old Style, is proportionately spaced, and has a word count of 12,679.

/s/ Frederick S. Wermuth
Frederick S. Wermuth