

**IN THE SUPREME COURT
STATE OF FLORIDA**

Case Number: SC12-1

IN RE: JOINT RESOLUTION OF LEGISLATIVE APPORTIONMENT

**COMMENT SUBMITTED ON BEHALF OF THE FLORIDA
STATE ASSOCIATION OF SUPERVISORS OF ELECTIONS**

Ronald A. Labasky, Esquire
Florida Bar No. 206326
BREWTON PLANTE, P.A.
225 South Adams Street, Suite 250
Tallahassee, FL 32301
Telephone: 850-222-7718
Facsimile: 850-222-8222
*General Counsel for the Florida
State Association of Supervisors of Elections*

Table of Contents

Table of Citations.....Pg. 3

Summary of the CommentPg. 4

Comment.....Pg. 4

ConclusionPg. 7

Certificate of Service.....Pg. 8

TABLE OF CITATIONS

FLORIDA STATUTES

Section 99.061, Florida Statutes.....Pg. 5

Section 101.62, Florida Statutes.....Pg. 6

Section 100.061, Florida Statutes.....Pg. 6

OTHER

SJR1176.....Pg. 4

SUMMARY OF THE COMMENT

This Comment is provided on behalf of the Florida State Association of Supervisors of Elections, Inc., in response to the Court's Orders dated January 4, 2012, and February 14, 2012, regarding the validity of the Senate Joint Resolution (SJR) 1176 that apportions the Florida House of Representatives and Senate based on the population figures established in the 2010 census. This Comment is intended to be a guide to the Court as to the applicable timeframes that Florida's Supervisors of Elections are mandated by Florida Statutes to comply with upon validation of SJR 1176.

COMMENT

The Florida State Association of Supervisors of Elections, Inc. ("FSASE"), is a Florida Not-for-Profit corporation which is organized and established with the purpose to assist its members to conduct fair, honest, and accurate elections and to assist Florida citizens to become better informed about voting and being prepared to participate in the electoral process. Its membership consists of 66 of the 67 county Supervisors of Elections in Florida. This Court has received the Joint Resolution of Legislative Apportionment filed under the above case number. The Supervisors of Elections in the respective 67 counties in Florida are required, after the completion of this Court's review and the determination of an appropriate plan for Legislative Apportionment, to complete the responsibility of creating precinct

lines and assigning voters, within their respective counties, to the appropriate House and Senate districts, as provided for in the approved Legislative Apportionment plan.

While this Court is moving expeditiously with respect to the Legislative Apportionment plan as submitted, the FSASE, on behalf of its members, seeks to provide the Court with the following timeframes which are relevant to the Supervisors of Elections' responsibilities in their counties. This information is provided for the Court's assistance in the event that these times and deadlines become relevant to the Court's considerations and determinations herein. With respect to the state election activities to be carried out following the approval and completion of the Legislative Reapportionment, the following timeframes are mandatory with respect to election activities in the state. These mandatory timeframes are as follows:

1. June 4 – June 8, 2012: Qualifying date for all Federal, State, County, and District candidates pursuant to Section 99.061, F.S.
2. June 15, 2012: Deadline for the Department of State to certify the ballot to all Supervisors of Elections throughout the state pursuant to Section 99.061, F.S.

3. June 30, 2012: Mandatory deadline for Supervisors of Elections to mail overseas absentee ballots to Florida voters pursuant to Section 101. 62, F.S.
4. August 14, 2012: Primary election date pursuant to Section 100.061, F.S.

In order for the above absentee ballot deadline to be met, ballots must be ordered no later than June 18, 2012. The determination of the ballot styles and numbers of ballots to be utilized within in each of the new districts that are created involves a significant amount of time following the conversion of data from the Legislative Apportionment plans and those preparations must be accomplished immediately after the ballot is certified.

In the event that the Court's contemplated time for its decision on the Legislative Apportionment plans extends further than currently stated, the foregoing is submitted for its consideration. The FSASE respectfully requests this Court to continue its expeditious consideration of the Legislative Reapportionment plans.

CONCLUSION

The FSASE respectfully submits the foregoing dates and information to the Court for its use, as necessary, in its determinations going forward.

Respectfully submitted,

/s/ Ronald A. Labasky
Ronald A. Labasky, Esquire
Florida Bar No. 206326
BREWTON PLANTE, P.A.
225 South Adams Street – Suite 250
Tallahassee, FL 32301
Telephone: 850-222-7718
Facsimile: 850-222-8222
*General Counsel for the Florida State
Association of Supervisors of
Elections*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was furnished by U.S. Mail to the following parties listed below on this 17th day of February, 2012. Service was made to all parties appearing on the most recently revised service list at the time of service.

Counsel for the Florida Senate

Michael A. Carvin
Jones Day
51 Louisiana Avenue NW
Washington, D.C. 20001
202/879-7643

Andy Velosy Bardos
The Florida Senate
404 S. Monroe Street; Suite 409
Tallahassee, FL 32399
850/487-5229

Cynthia Skelton Tunnickliff
Pennington, Moore, et al.
215 S. Monroe Street; Second Floor
Tallahassee, FL 32301
850/222-3533

Counsel for the Florida House of Representatives

Miguel A. DeGrandy
Miguel DrGrandy, P.A.
800 S. Douglas Road; Suite 850
Coral Gables, FL 33134
305/444-7737

Charles Talley Wells
Gray Robinson, P.A.
301 E. Pine St.; Suite 1400
Orlando, FL 32801
407/843-8880

George T. Levesque
General Counsel
Florida House of Representatives
422 The Capitol
Tallahassee, FL 32399
850/488-0451

George N. Meros, Jr.
Gray Robinson. P.A.
P.O. Box 11189
Tallahassee, FL 32302
850/577-9090

Jason L. Unger
Gray Robinson, P.A.
P.O. Box 11189
Tallahassee, FL 32302
850/577-9090

Allen C. Winsor
Gray Robinson, P.A.
P.O. Box 11189
Tallahassee, FL 32302
850/577-9090

Charles Burns Upton
Gray Robinson, P.A.
P.O. Box 11180
Tallahassee, FL 32302
850/577-9090

Counsel for Honorable Pamela Jo Bondi

Timothy David Osterhaus
Office of Attorney General
The Capitol, PL-01
Tallahassee, FL 32399
850/414-3687

Counsel for the Florida Democratic Party

Joseph W. Hatchett
Akerman Senterfitt
106 E. College Ave.; Suite 1200
Tallahassee, FL 32302
850/224-9634

John M. Devaney
Perkins Cole, LLP
700 13th Street NW; Suite 600
Washington, D.C. 20005
202/654-6200

Abha Khanna
Perkins Cole, LLP
1201 Third Avenue; Suite 4800
Seattle, Washington 98101
206/359-8312

Kevin J. Hamilton
Perkins Cole, LLP
1201 Third Avenue; Suite 4800
Seattle, Washington 98101
206/359-8741

Marc Erik Elias
Perkins Cole, LLP
700 13th Street NW; Suite 600
Washington, D.C. 20005
202/434-1609

Jon L. Mills
Boies, Schiller & Flexner, LLP
100 SE Second St.; Suite 2800
Miami, Florida 33131
305/539-8400

Karen Caudell Dyer
Boies, Schiller & Flexner, LLP
121 S. Orange Ave.; Suite 840
Orlando, FL 32801
407/425-7118

Elan Michelle Nehleber
Boies, Schiller & Flexner, LLP
121 S. Orange Ave.; Suite 840
Orlando, FL 32801
407/425-7118

Counsel for Common Cause Florida

Ronald Gustav Meyer
Meyer, Brooks, Demma & Blohm
P.O. Box 1547
Tallahassee, FL 32302
850/878-5212

Michael B. Desanctis
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Kristen M. Rogers
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Jessica Ring Amunson
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

J. Gerald Hebert
J. Gerald Hebert, P.A.
191 Somerville St.; Unit 415
Alexandria, VA 22301
703/628-4673

Paul M. Smith
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Counsel for National Counsel of La Raza

Ronald Gustav Meyer
Meyer, Brooks, Demma & Blohm
P.O. Box 1547
Tallahassee, FL 32302
850/878-5212

Kristen M. Rogers
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Jessica Ring Amunson
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Michael B. Desanctis
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

J. Gerald Hebert
J. Gerald Hebert, P.C.
191 Somerville St.; Unit 415
Alexandria, VA 22304
703/628-4673

Paul M. Smith
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Counsel for City of Lakeland, Florida

David Allen Theriaque
Theriaque & Spain
433 N. Magnolia Dr.
Tallahassee, FL 32308
850/224-7332

Steven Brent Spain
Theriaque & Spain
433 N. Magnolia Dr.
Tallahassee, FL 32308
850/224-7332

Christopher Busch
Theriaque & Spain
433 N. Magnolia Dr.
Tallahassee, FL 32308
850/224-7332

Timothy James McCausland
City of Lakeland
228 S. Massachusetts Ave.
Lakeland, FL 33801
863/834-6010

Counsel for League of Women Voters of Florida, Inc.

Ronald Gustav Meyer
Meyer, Brooks, Demma & Blohm
P.O. Box 1547
Tallahassee, FL 32302
850/878-5212

Michael B. Desanctis
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Jessica Ring Amunson
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

Kristen M. Rogers
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

J. Gerald Hebert
J. Gerald Hebert, P.C.
191 Somerville St.; Unit 415
Alexandria, VA 22304
703/628-4673

Paul M. Smith
Jenner & Block, LLP
1099 New York Ave. NW; Ste. 900
Washington, D.C. 20001
202/639-6000

/s/ Ronald A. Labasky
Ronald A. Labasky, Esquire