

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 17-22568-CIV-COOKE/Goodman

ARTHENIA JOYNER, et al.,
Plaintiffs,

vs.

PRESIDENTIAL ADVISORY
COMMISSION ON ELECTION
INTEGRITY, et al.,
Defendants.

_____ /

**ORDER ON PLAINTIFFS' MOTION FOR
TEMPORARY RESTRAINING ORDER**

THIS MATTER is before upon *Plaintiffs' Corrected Motion for Temporary Restraining Order ("TRO"), with Request for Expedited Treatment and Incorporated Memorandum of Law ("Motion")* (ECF No. 6). A hearing was held regarding the Motion on July 18, 2017. I have carefully reviewed the Motion, the record, and the relevant legal authorities, and considered the arguments of counsel. I have also reviewed the United States District Court for the District of Columbia's July 18, 2017 Memorandum Opinion in *Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, Case No. 17-1354-CKK (D.D.C. July 18, 2017) (ECF No. 17). I have acknowledged the Florida Secretary of State's position that he would only produce information allowed by Florida law and would protect all exempt voter information from disclosure. Being otherwise fully advised in the premises, I find as follows:

I. LEGAL STANDARD

In order to obtain a temporary restraining order or preliminary injunction, a party must demonstrate "(1) a substantial likelihood of success on the merits; (2) that irreparable injury will be suffered if the relief is not granted; (3) that the threatened injury outweighs the harm the relief would inflict on the non-movant; and (4) that the entry of the relief would serve the public interest." *Schiavo ex. rel Schindler v. Schiavo*, 403 F.3d 1223, 1225-26 (11th Cir. 2005).

II. ANALYSIS

Based on the proceedings at the July 18, 2017 hearing and consideration of the entirety of the record, I incorporate the findings and conclusions announced at the hearing, including the following:

A. The Florida Secretary of State's July 6, 2017 letter to the Presidential Advisory Commission on Election Integrity ("Commission"), attached as Exhibit H to the Complaint (ECF No. 1-1 at 31–32), appropriately acknowledges Florida privacy laws. The Florida Secretary of State, before this litigation commenced, set out Florida's intention to comply with these laws as they relate to the dissemination of information to the Commission. Moreover, Federal Defendants have represented that the Commission has requested that the states, including Florida, not submit any data to the Commission until the court rules on the pending motion for a temporary restraining order in *Electronic Privacy Information Center v. Presidential Advisory Commission on Election Integrity, et al.*, Case No. 17-cv-01320-CKK (D.D.C.) (the "EPIC Case").

B. This Order is consistent with the legal authority discussed above.

III. CONCLUSION

For the foregoing reasons, it is **ORDERED** and **ADJUDGED** as follows:

1. In accordance with the Florida Secretary of State's July 6, 2017 letter, the Secretary will limit Florida's response to the Commission to the information allowed by Florida law.

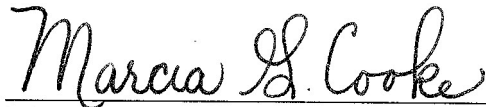
2. The Federal Defendants have represented that the Commission has requested that the states, including Florida, not submit any data until the District of Columbia District Court in the EPIC Case issues a ruling on the pending motion for a temporary restraining order.

3. Once that ruling issues in the EPIC Case, the Florida Secretary of State remains bound by the representations contained in his July 6, 2017 letter, pending further order of Court. By this ruling, the Florida Secretary of State will continue to comport with all protections governed by Florida law.

4. I recognize that, in the midst of the July 18, 2017 hearing in the instant action, the United States District Court for the District of Columbia issued its July 18, 2017

Memorandum Opinion in *Lawyers' Committee for Civil Rights Under Law v. Presidential Advisory Commission on Election Integrity*, Case No. 17-1354-CKK (D.D.C. July 18, 2017) (ECF No. 17), denying a temporary restraining order against the Commission pursuant to claims made in that case under the Federal Advisory Committee Act, 5 U.S.C. App. 2, *et seq.* ("FACA"). I decline to make a ruling on the merits of any of the instant claims, including those brought under FACA, against the Federal Defendants at this time, but defer to the United States District Court for the District of Columbia's July 18, 2017 Order and Memorandum Opinion for the limited purpose of determining whether to grant a temporary restraining order against the Federal Defendants. Thus, Plaintiffs' motion for entry of a temporary restraining order against the Federal Defendants is **DENIED** without prejudice at this time.

DONE and ORDERED in chambers, at Miami, Florida, this 20th day of July 2017.



MARCIA G. COOKE

United States District Judge

Copies furnished to:
Jonathan Goodman, U.S. Magistrate Judge
Counsel of record