

Early-Voting Locations in Volusia County

NAACP v. Lowe (G. Kendall Sharp, M.D. Fla. 6:04-cv-1469)

On October 7, 2004, African American voters filed a federal action complaining that the county's only early-voting location was not convenient for African American voters on the county's east side. On the following day, the plaintiffs filed a motion for a preliminary injunction and expedited discovery, and the district judge set a hearing on the motion for eleven days later. Before the hearing occurred, however, the county agreed to open additional early-voting locations, so the parties stipulated dismissal of the action. The judge ruled that no more than one location was legally required, but the opening of additional sites mooted the case.

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

The Volusia County branch of the NAACP and three Volusia County African American voters filed a federal complaint on October 7, 2004, in the Middle District of Florida's Orlando courthouse against Volusia County's supervisor of elections, complaining that the county had opened an early-voting site only on the county's west side, which was too inconvenient for the Daytona Beach African American voters on the east side.¹ On the following day, the plaintiffs filed a motion for a preliminary injunction and expedited consideration.² That day, Judge G. Kendall Sharp set a hearing on the motion for the morning of October 19.³

By October 12, Volusia County had agreed to open additional early-voting locations, including two in Daytona Beach,⁴ so the parties stipulated dismissal of the action on October 15.⁵ On October 19, Judge Sharp ruled that the county was only required to open a single early-voting site at the de-

1. Complaint, *NAACP v. Lowe*, No. 6:04-cv-1469 (M.D. Fla. Oct. 7, 2004), D.E. 1; see Kevin P. Connolly, *Suit Aims for Early-Voting Site in Daytona Beach*, Orlando Sentinel, Oct. 8, 2004, at B1; James Miller, *Volusia Sued Over Vote Sites*, Daytona News-J., Oct. 8, 2004, at 1A.

2. Motion, *NAACP*, No. 6:04-cv-1469 (M.D. Fla. Oct. 8, 2004), D.E. 2.

3. Amended Notice, *id.* (Oct. 12, 2004), D.E. 4 (granting each side one hour); Notice, *id.* (Oct. 8, 2004), D.E. 3 (granting each side thirty minutes); see James Miller, *Judge Sets Hearing Date for Suit on Early Voting*, Daytona News-J., Oct. 9, 2004, at 1C (noting that early voting was to begin on the day before the hearing).

Judge Sharp died on March 24, 2022. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. See Kevin P. Connolly, *Volusia Changes Tune on Voting Sites*, Orlando Sentinel, Oct. 13, 2004, at B1; James Miller, *3 More Locations for Early Voting Set*, Daytona News-J., Oct. 13, 2004, at 1A; *Volusia Will Add 3 Election Sites*, Miami Herald, Oct. 14, 2004, at 8B; see also James Miller, *Early-Voting Option Explored*, Daytona News-J., Oct. 12, 2004, at 1A (reporting on the county's developing plans to open additional sites if the court ordered it to do so).

5. Stipulation, *NAACP*, No. 6:04-cv-1469 (M.D. Fla. Oct. 15, 2004), D.E. 5; see *NAACP Settles Early-Voting Site Dispute*, Orlando Sentinel, Oct. 16, 2004, at B3; *NAACP Settles Suit*, Daytona News-J., Oct. 16, 2004, at 1C.

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partment of elections' main office, but that it was free to open additional sites, and its promise to open additional sites in Daytona Beach mooted the case.⁶

6. Order, *NAACP*, No. 6:04-cv-1469 (M.D. Fla. Oct. 19, 2004), D.E. 6.