

Preventing Long Lines

Florida Democratic Party v. Detzner (Joan A. Lenard and Ursula Ungaro, S.D. Fla. 1:12-cv-24000)

Late on the Saturday before the 2012 general election, because of long lines during early voting, a party filed a complaint seeking relief from anticipated long lines on election day at the polls in three counties. The assigned judge was out of the district when the case was filed, so another judge, selected at random, handled the emergency motion. In response to the lawsuit, the counties created additional opportunities for in-person absentee voting.

Subject: Voting procedures. *Topics:* Absentee ballots; early voting; case assignment.

Late on the Saturday before the 2012 general election, Florida's Democratic Party filed a federal complaint in the Southern District of Florida, seeking relief from anticipated long lines on election day in Broward, Miami-Dade, and Palm Beach Counties, because of long lines during early voting.¹ With its complaint, the party filed a motion for a temporary restraining order.²

Judge Joan A. Lenard drew the case, but she was out of the district when the case arrived, so the emergency motion was randomly assigned to Judge Ursula Ungaro.³

Apparently as a result of the lawsuit, the three defendant counties allowed in-person absentee voting on Sunday and Monday.⁴

On Monday, the plaintiff's attorney filed a stipulation for each county by which each county agreed to provide election-day in-person absentee voting at county offices.⁵ That day, Judge Ungaro approved the stipulations, retaining the court's jurisdiction to enforce them.⁶

On the day after the election, Judge Lenard issued an order to show cause why the case should not be dismissed as moot.⁷ On November 14, the party dismissed the action voluntarily.⁸

1. Complaint, *Fla. Democratic Party v. Detzner*, No. 1:12-cv-24000 (S.D. Fla. Nov. 4, 2012), D.E. 1; see Lloyd Dunkelberger, *Lawsuit Is Filed in Florida After Early Voting Ends*, *Sarasota Herald Trib.*, Nov. 5, 2012, at A4; Jane Musgrave, Scott Eyman & Dara Kam, *Elections Office Taking Absentee Ballots Today*, *Palm Beach Post*, Nov. 5, 2012, at 1A.

2. Temporary-Restraining-Order Motion, *Fla. Democratic Party*, No. 1:12-cv-24000 (S.D. Fla. Nov. 5, 2012), D.E. 6.

3. Email from Hon. Joan A. Lenard to Tim Reagan, Dec. 5, 2012.

Judge Ungaro retired on May 31, 2021. Federal Judicial Center Biographical Directory of Article III Federal Judges, www.fjc.gov/history/judges.

4. See Dunkelberger, *supra* note 1; Musgrave et al., *supra* note 1.

5. Stipulations, *Fla. Democratic Party*, No. 1:12-cv-24000 (S.D. Fla. Nov. 5, 2012), D.E. 18–20.

6. Order, *id.* (Nov. 5, 2012), D.E. 21.

7. Docket Sheet, *id.* (Nov. 4, 2012).

8. Notice, *id.* (Nov. 14, 2012), D.E. 24.