

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

TORM HOWSE, etc.,

Plaintiffs,

v.

CASE NO. 8:12-CV-2519-T-17AEP

PLANNED PARENTHOOD
FEDERATION OF AMERICA,
et al.,

Defendants.

_____ /

ORDER

This cause is before the Court on:

Dkt. 4 Emergency Petition to Enjoin All Pending U.S. Election Processes
For the Offices of President and Vice President

Plaintiff Torm Howse, ex rel. fifty State and Commonwealth Plaintiffs, moves to enjoin the General Election that is proceeding today, November 6, 2012, solely “in regards to any furtherance of processes towards either of our White House offices, the Presidency and Vice Presidency,” on the basis that this election, and all prior U.S. elections, violate the Twelfth Amendment’s express prohibitions against pairing Presidential and Vice Presidential candidates upon the same ballot. Plaintiff argues that the Twelfth Amendment “requires all ballots and votes for Presidential candidates be kept separate, at all times, from ballots and votes for Vice-Presidential candidates. They are to run separate campaigns, and to be elected separately, upon their own volition and merit.”

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The Twelfth Amendment provides:

The Electors shall meet in their respective states and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate;--The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted;--The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to be necessary to a choice. And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President.--The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

The Twelfth Amendment explains how the electoral college functions, not the popular vote.

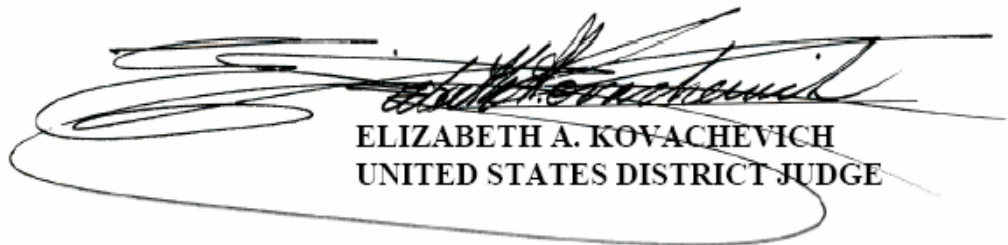
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A district court may grant injunctive relief only if the moving party shows that: 1) he has a substantial likelihood of success on the merits; 2) irreparable injury will be suffered unless the injunction issues; 3) the threatened injury to the movant outweighs whatever damage the proposed injunction may cause the opposing party; and 4) if issued, the injunction would not be adverse to the public interest. Siegel v. LePore, 234 F.3d 1163 (11th Cir. 2000).

Plaintiff Howse has not established a substantial likelihood of success on the merits. After consideration, the Court **denies** the Emergency Petition. Accordingly, it is

ORDERED that the Emergency Petition (Dkt. 4) is **denied**.

DONE and ORDERED in Chambers, in Tampa, Florida on this 6th day of November, 2012.



ELIZABETH A. KOVACHEVICH
UNITED STATES DISTRICT JUDGE

Copies to:
All parties and counsel of record