

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

THE SHUL OF BAL HARBOUR, INC. a Florida not for profit corporation; YOUNG ISRAEL OF BAL HARBOUR, INC., a Florida not for profit corporation; MAGEN DAVID CONGREGATION OF SURFSIDE, INC., a Florida not for profit corporation; NESS 26, INC., operating as HECHAL SHALOM OR OZIEL, a Florida not for profit corporation; AGUDATH ISRAEL OF AMERICA, INC., a foreign not for profit corporation; NATIONAL COUNCIL OF YOUNG ISRAEL, a foreign profit corporation; and individual registered voters of the Town of Surfside: RABBI GIDEON MOSKOVITZ, RABBI GAVRIEL KOSKAS, SHLOMO DANZINGER, and FRED WALFISH

Plaintiffs,

v.

TOWN OF SURFSIDE, FLORIDA, a Florida municipal corporation; SANDRA N. MCCREADY in her Official Capacity as the Town Clerk of Surfside; THE TOWN OF SURFSIDE CANVASSING BOARD and ALINA GARCIA in her Official Capacity as the Miami-Dade Supervisor of Elections

Defendants.

Case No. 2026-006370-CA-01

AMENDED VERIFIED EMERGENCY PETITION FOR TEMPORARY INJUNCTION

Plaintiffs by and through undersigned counsel, respectfully move this Court on an emergency basis for entry of a Temporary Injunction pursuant to Florida Rule of Civil Procedure 1.610, enjoining Defendants the Town of Surfside, Florida (“Surfside” or the “Town”) and Miami-Dade County, Florida (“the County”) from conducting the mayoral runoff election currently

scheduled for April 7, 2026, and ordering that the runoff election be rescheduled to April 14, 2026.

In support thereof, Plaintiffs state as follows:

INTRODUCTION

1. This is an emergency action to protect the fundamental constitutional and statutory rights of Surfside's observant Jewish residents, who face an unconscionable choice between their religious faith and their civic duty to vote. The Town of Surfside has scheduled its mayoral runoff election for April 7, 2026,¹ a date that falls squarely during the Passover holiday ("Pesach"), which runs from sundown on April 1 through nightfall on April 9, 2026.² Specifically, April 7 is the last day of the intermediate days of Passover ("Chol Hamoed") and the eve of the Seventh Day of Passover,³ a full holy day ("Yom Tov") on which observant Jews are prohibited from performing ordinary work, including driving and engaging in secular activities.
2. Surfside is one of the most heavily Jewish communities in the United States, in terms of both population and observance. Of its approximately 5,700 residents, an estimated 2,500 are Jewish, and approximately 35% of the Jewish population identifies as Orthodox.⁴ Many

¹ See Ballotpedia, "Shlomo Danzinger (Mayor of Surfside, Florida, candidate 2026)," available at [https://ballotpedia.org/Shlomo_Danzinger_\(Mayor_of_Surfside,_Florida,_candidate_2026\)](https://ballotpedia.org/Shlomo_Danzinger_(Mayor_of_Surfside,_Florida,_candidate_2026)) ("Danzinger is on the ballot in the general runoff election on April 7, 2026."); see also Florida Politics, "Surfside Mayor's Race Heads to Runoff" (Mar. 18, 2026), available at <https://floridapolitics.com/archives/785771-runoff-for-mayor-recount-for-commissioner-appear-likely-in-surfside-after-tuesday-election/>.

² Chabad.org, "When Is Passover in 2026," available at https://www.chabad.org/holidays/passover/pesach_cdo/aid/671901/jewish/When-Is-Passover-in-2026-2027-2028-2029-and-2030.htm ("Pesach 2026 (Passover) begins before sundown on Wednesday April 1, 2026, and ends after nightfall on April 9, 2026."); Hebcacal, "Pesach (Diaspora) 2026," available at <https://www.hebcacal.com/holidays/pesach-2026>.

³ Ynet News, "Passover 2026: When Is the Seder," available at <https://www.ynetnews.com/jewish-world/article/rycbzn00c11g> ("The intermediate days (Chol Hamoed) follow, and the seventh day of Passover will be observed on Tuesday-Wednesday, the 21st of Nisan, April 7-8, 2026.").

⁴ Aish.com, "The Jews of Florida: A History" (Jan. 2026), available at <https://aish.com/the-jews-of-florida-a-history/> ("Surfside, which borders on Miami Beach, is currently the area's most Jewish neighborhood. In fact, of its 6000 residents, it is estimated that almost half are Orthodox Jews."); see also Jewish Telegraphic Agency, "The Deadly Building Collapse in Surfside Struck a Growing, Diverse Jewish Community" (June 25, 2021), available at

observant Jewish residents will be traveling for the Passover holiday, attending the festive meals (“Seders”) and religious observances with family, or otherwise unable to vote on April 7 due to the religious obligations and travel restrictions attendant to the holiday.

3. The burden imposed by the April 7 election date is not merely incidental. It operates in a context of demonstrable animus toward the Jewish community’s political participation. As set forth below, the outgoing Mayor Charles Burkett has issued a public letter characterizing the Jewish community’s voting bloc as “frightened and misled religious voters” who “vote in lockstep,” framing the election as a contest between the Jewish community’s “25%” and “the remaining 75%,” and urging non-Jewish voters to “overcome the fearmongering” of Jewish civic participation.⁵
4. This letter, issued by a sitting government official is powerful evidence that the April 7 election date does not operate in a neutral environment but rather in one infected by hostility toward the religious community most burdened by the scheduling conflict.
5. The remedy Plaintiffs seek is modest and eminently reasonable: a one-week postponement of the runoff election from April 7 to April 14, 2026. This minimal delay imposes no cognizable burden on the Town or the County, threatens no disruption to the electoral process, and fully vindicates the constitutional and statutory rights at stake. Indeed, this is precisely the remedy that Florida’s own Governor employed in 2010 when he postponed a special congressional

<https://www.jta.org/2021/06/25/united-states/the-deadly-building-collapse-in-surfside-struck-a-growing-diverse-jewish-community> .

⁵ Exhibit 2, Letter of Charles Burkett, “The Letter Tina Paul Should Write” (on file with counsel).

election in South Florida's 19th Congressional District from April 6 to April 13 because the original date fell on the last day of Passover and the district had a large Jewish population.⁶

PARTIES, JURISDICTION, AND VENUE

6. **Plaintiff The Shul of Bal Harbour, Inc.** is a Florida non-profit religious corporation headquartered in the Town of Surfside, providing religious, educational, and communal services to the Town's Jewish community. The Shul of Bal Harbour Inc is a Chabad- Lubavitch Hasidic Jewish congregation and synagogue, with hundreds of members and congregants who are registered voters in the Town.
7. **Plaintiff Young Israel of Bal Harbour Inc.**, is a Florida non-profit religious corporation and synagogue located in the Town of Surfside.
8. **Plaintiff Magen David Congregation of Surfside, Inc.**, is a Florida non-profit religious corporation and synagogue located in the Town of Surfside.
9. **Plaintiff Ness 26 Inc. operating as Hechal Shalom Or Oziel**, is a Florida non-profit religious corporation, which operates a Sephardic synagogue located in the Town of Surfside.
10. **Plaintiff Agudath Israel of America, Inc.**, is a foreign not for profit corporation that represents Haredi Orthodox Jews.
11. **Plaintiff National Council of Young Israel** is a foreign profit corporation.
12. **The Individual Registered Voter Plaintiffs, Rabbi Gideon Moskovitz, Rabbi Gavriel Koskas, Shlomo Danzinger, and Fred Walfish** are residents of Surfside who are registered to vote in the Town's mayoral runoff election and who, by reason of sincere religious

⁶ *Crist Reschedules Special Election in Boca Raton to Not Fall on Passover*, Fox News (Feb. 19, 2010), <https://www.foxnews.com/politics/crist-reschedules-special-election-in-boca-raton-to-not-fall-on-passover/>

observance, will be substantially burdened in the exercise of their franchise if the election is held on April 7, 2026.

13. **Defendant Town of Surfside** is a Florida municipal corporation organized and existing under the laws of the State of Florida. The Town has scheduled the mayoral runoff election for April 7, 2026.

14. **Defendant Sandra N. McCready in her Official Capacity as the Town Clerk of Surfside** whose function is to ensure the effective functions of the Town, including access to public records. Additionally, under Article II Section 18 of the Charter, the town clerk is the supervisor of elections for the town.

15. **Defendant Town of Surfside Canvassing Board** is the governmental body charged with administering and certifying the results of the Town's elections, including the April 7, 2026 runoff.

16. **Defendant Alina Garcia in her Official Capacity as the Miami-Dade Supervisor of Elections** who oversees all federal, state, county and municipal elections. Her office is responsible for providing election services to the Town of Surfside, along with other municipalities.

17. This Court has jurisdiction over this matter pursuant to Fla. Stat. § 26.012(2)(c), given that this is an action for equitable relief.

18. This Court possesses jurisdiction over the Town of Surfside and the Town of Surfside Canvassing Board pursuant to Fla. Stat. § 48.193 (1)(a)(1) .

19. Venue is proper in this Court on the grounds that the events giving rise to the alleged cause of action arose and accrued in Miami-Dade County, Florida, and the parties are all residents or operate within Miami-Dade County, Florida.

STATEMENT OF FACTS

A. The Surfside Mayoral Runoff Election

20. On March 17, 2026, the Town of Surfside held its general municipal election for the office of Mayor. Former Mayor Shlomo Danzinger received approximately 49.2% of the vote, and Vice Mayor Tina Paul received approximately 36.5%.⁷ Because no candidate received more than 50% of the vote, the Town Charter requires a runoff election between the top two vote-getters.⁸ See Part I-Charter, Art. II. Sec. 8 of the Surfside Code of Ordinances.

21. The runoff election has been scheduled for April 7, 2026, approximately three weeks after the general election, as provided by the Town Charter.⁹

22. The election is administered by the Miami-Dade County Supervisor of Elections.¹⁰

⁷ Local 10 News, “Surfside Mayoral Race Heading for Runoff Election” (Mar. 17, 2026), available at <https://www.local10.com/news/local/2026/03/17/surfside-voters-to-elect-new-mayor-4-town-commissioners/> (“Danzinger received 49.2% of the votes while Paul received 36.4% and Blumstein 14.3%.”); NBC 6 South Florida, “Danzinger, Paul Heading to Runoff Election in Surfside Mayoral Race” (Mar. 2026), available at <https://www.nbcmiami.com/news/politics/local-politics/danzinger-paul-heading-to-runoff-election-in-surfside-mayoral-race/3782360/>.

⁸ See Town of Surfside, Election Information and Results, available at <https://www.townofsurfsidefl.gov/departments-services/town-clerk/election-information-and-results> (“In order to win, the top candidate must receive more than 50 percent of the vote.”).

⁹ VIN News, “Runoff for Mayor, Recount Likely for Surfside Commission Seat” (Mar. 17, 2026), available at <https://vinnews.com/2026/03/17/runoff-for-mayor-recount-likely-for-surfside-commission-seat/> (“The runoff is tentatively scheduled for April 7 to determine who will replace outgoing Mayor Charles Burkett.”).

¹⁰ Town of Surfside, Election Information and Results, *supra* note 8 (linking to Miami-Dade County Supervisor of Elections for results).

B. The Passover Holiday and Its Conflict with the April 7 Election Date

23. Passover 2026 begins at sundown on Wednesday, April 1, and concludes after nightfall on Thursday, April 9. The holiday lasts eight days in outside of Israel (the “Diaspora”).¹¹
24. The first two days of Passover (April 2-3, 2026) and the last two days (April 8-9, 2026) are full Yom Tov (holy days). *See* Affidavit of Rabbi Lipskar of the Shul of Bal Harbour attached hereto as Exhibit 1 (“Lipskar Affidavit”) at ¶ 8. Observant Jews are prohibited from performing *melacha* (creative or constructive work), which includes driving, writing, using electronic devices, handling money, and engaging in most ordinary weekday activities. These prohibitions are substantially identical to those of the Sabbath (Shabbat).¹²
25. The intermediate days, known as Chol Hamoed, run from April 4 through April 7, 2026.¹³ *See* Lipskar Affidavit at ¶ 8. While Chol Hamoed carries fewer restrictions than full Yom Tov days, it remains a period of religious significance during which many observant Jews travel to be with family, attend synagogue services, and participate in communal religious observances. Lipskar Affidavit at ¶ 6. Many families travel out of town for the entirety of the Passover holiday. Moreover, a number of respected halachic (Jewish legal) authorities hold that voting during Chol Hamoed is itself a prohibited weekday activity, making the act of casting a ballot on April 7 a direct violation of religious law for a meaningful segment of the Orthodox community. *See* Lipskar Affidavit at ¶¶ 9-11.

¹¹ Chabad.org, *supra* note 2; The Sukkah Project, “When Is Passover 2026,” available at <https://www.sukkot.com/when-is-passover-2026/> (“Jews in the Diaspora observe eight days, concluding at nightfall on Thursday, April 9, 2026.”).

¹² The Sukkah Project, *supra* note 11 (“The first two days and last two days of Passover (in the Diaspora) are considered full festival days (Yom Tov) when observant Jews refrain from work.”).

¹³ Ynet News, *supra* note 3; The Yeshiva World, “Pesach 2026 Chol Hamoed Planning Guide,” available at <https://www.theyeshivaworld.com/news/promotions/2526430/pesach-2026-chol-hamoed-planning-guide.html> (“By the time you come up for air on Motzei Shabbos, you’ve got three usable Chol Hamoed days: Sunday April 5, Monday April 6, and Tuesday April 7.”).

26. April 7, 2026, the scheduled runoff date, is the last day of Chol Hamoed. That evening, at sundown, the Seventh Day of Passover begins, which is a full Yom Tov.¹⁴ Observant Jews must complete all preparations for the holy day before sundown, further restricting their ability to engage in secular activities, including voting, on April 7. *See* Lipskar Affidavit at ¶ 15.
27. Many observant Jewish residents of Surfside will be out of town for the entirety of Passover, having traveled to be with family for the Seders (the ritual meals held on the first two nights) and remaining away through the conclusion of the holiday on April 9. *See* Lipskar Affidavit at ¶¶ 13-14. These residents will be physically unable to vote in person on April 7, and those who have requested absentee ballots may receive their ballots after already having left Surfside. *See* Lipskar Affidavit at ¶ 17.

C. Surfside's Jewish Community

28. Surfside is a small beachside town in Miami-Dade County with a population of approximately 5,689 residents as of the 2020 Census. The Town is bordered by Bal Harbour to the north and Miami Beach to the south.
29. Surfside is widely recognized as the most Jewish community in the Miami metropolitan area.¹⁵ Approximately 2,500 of its residents are Jewish. Among Surfside's Jewish households, approximately 34% identify as Orthodox, 24% as Conservative, 18% as Reform, and 24% as "just Jewish."¹⁶

¹⁴ Ynet News, *supra* note 3 ("The eve of the seventh day falls on Tuesday, April 7, 2026. The holiday itself is on Wednesday, April 8, until evening.").

¹⁵ Aish.com, *supra* note 4 ("Surfside, which borders on Miami Beach, is currently the area's most Jewish neighborhood."); Unpacked Media, "Surfside: Miami's 'Most' Jewish Community," available at <https://unpacked.media/unpacked-surfsides-jewish-community/>.

¹⁶ Jewish Telegraphic Agency, *supra* note 4 ("They're 34% Orthodox, 24% Conservative, 18% Reform and 24% 'just Jewish.'"); University of Miami News, "Professor Devotes His Career to Chronicling U.S. Jews" (July 1, 2021), available at <https://news.miami.edu/stories/2021/07/professor-devotes-his-career-to-chronicling-u.s.-jews.html> (citing data from Professor Ira Sheskin, Director of the University of Miami's Jewish Demography Project).

30. The Town's Jewish character is reflected in its civic life. The community is home to multiple synagogues, including The Shul of Bal Harbour, one of the most prominent Orthodox congregations in the country.¹⁷ The Town maintains an eruv (a ritual boundary) that permits observant Jews to carry items on the Sabbath, a feature that specifically attracts Orthodox families to the community.¹⁸

31. Given the size and observance level of Surfside's Jewish population, the scheduling of the runoff election during Passover will effectively disenfranchise a substantial portion of the electorate, including many of the Town's most civically engaged residents.

D. The Burkett Letter: Evidence of Animus Toward the Jewish Community

32. The April 7 election date does not operate in a vacuum. It operates in a context of demonstrable hostility toward the Jewish community's political participation. On or about March 21, 2026, outgoing Mayor Charles Burkett, supporting Vice Mayor Tina Paul, issued a public letter to Surfside residents that reveals deep-seated animus toward the Jewish community.¹⁹

33. In the letter, styled as "The Letter Tina Paul Should Write," Burkett characterizes the Jewish community's political engagement in starkly hostile terms. He describes candidate Danzinger's Jewish supporters as "a solid 850 religious voters" who have been "frightened and misled" and who "vote in lockstep." *See* Exhibit 2. He frames the election as a contest between the Jewish community's "25%" and "the remaining 75%." *Id.* He accuses Danzinger of running a "cottage industry based on division" and describes the Jewish community's political

¹⁷ Jewish Telegraphic Agency, *supra* note 4 (describing The Shul of Bal Harbour as "one of the most successful Orthodox shuls in the country"); University of Miami News, *supra* note 19.

¹⁸ University of Miami News, *supra* note 19 ("Surfside is also attractive to Orthodox Jews because it has an 'eruv,' or barrier, that allows them to carry things between their homes and their synagogue on the Sabbath.").

¹⁹ Exhibit 2, Letter of Charles Burkett, "The Letter Tina Paul Should Write" (on file with counsel).

participation as “fearmongering” that must be “overcome.” *Id.* He urges non-Jewish voters to “come out and vote on April 7th” to defeat the Jewish community’s preferred candidate. *Id.*

34. The letter also disparages the religious character of Danzinger’s governance, criticizing him for flying a religious flag on the town hall building and declaring that “Danzinger’s religious beliefs are the only ones that matter.” *Id.* Burkett characterizes the Jewish community’s civic engagement as a threat to the town’s openness and inclusivity, stating that the election is about “electing a commission that serves all religions and every resident, without exception,” as if the Jewish community’s participation in self-governance is itself exclusionary. *Id.*

35. This letter is significant for two reasons. First, it is issued by a sitting government official, the outgoing Mayor. Under *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018), and *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520 (1993), the Free Exercise Clause bars even “subtle departures from neutrality” on matters of religion, and factors relevant to the assessment of governmental neutrality include “the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body.” *Lukumi*, 508 U.S. at 540.

36. Second, the letter reveals that the April 7 election date, while set by a facially neutral charter provision, operates in a context where a government official is actively encouraging non-Jewish voters to turn out on a date when Jewish voters cannot participate, while simultaneously disparaging the Jewish community’s political engagement as illegitimate. This is not a neutral scheduling decision; it is a scheduling decision that, in its specific application to this community at this time, functions as a mechanism for the suppression of Jewish political

participation. *See Masterpiece Cakeshop, Ltd.*, 584 U.S. at 638 (holding that the Commission “violated the State’s duty under the First Amendment not to base laws or regulations on hostility to a religion or religious viewpoint.”)

E. Absentee Voting Does Not Cure the Burden

37. While Florida law permits vote-by-mail, this alternative does not cure the constitutional and statutory infirmity. Many observant Jewish residents who are traveling for Passover may not have requested mail-in ballots in advance, as the runoff was only triggered on March 17, 2026,²⁰ leaving minimal time to request, receive, complete, and return a mail-in ballot before departing for the holiday. *See Lipskar Affidavit* at ¶ 17. Moreover, the runoff election was not certain until the general election results were tallied, giving voters no advance notice that a runoff would be necessary.

38. The personal account of Fred Walfish is significant here. A copy of his Affidavit is attached hereto as Exhibit 3 (“Walfish Affidavit”). Mr. Walfish is a resident of the Town of Surfside, registered to vote in the municipal elections. *See Walfish Affidavit* at ¶ 1. Mr. Walfish is observant and observes the Jewish holiday of Passover. *Id.* at ¶ 4. He voted on the March 17th election, and once he realized that the runoff election would be scheduled for April 7th, he requested a vote-by-mail ballot from the Miami-Dade County Elections Department. *Id.* at ¶¶ 5-7. However, Mr. Walfish, despite confirming that his request was recorded and that the Elections Department sent out his ballot, did not receive it. *See id.* at ¶¶ 8-10. Mr. Walfish left town on March 29th to travel for Passover without ever having received his mail-in ballot. *Id.* at ¶ 11. He is just one example of Surfside’s community members that will be effectively disenfranchised in the Surfside mayoral runoff election. *See id.* at ¶ 12.

²⁰ Local 10 News, *supra* note 7.

39. Not to mention, that many Orthodox Jews do not use electronic devices or handle mail during the Yom Tov days that bookend Chol Hamoed, further complicating the mail-in ballot process. See Lipskar Affidavit at ¶¶ 10-11. The availability of an alternative voting mechanism does not excuse the government from imposing a substantial burden on religious exercise or the right to vote and may not even be a viable solution under the circumstances.

F. Florida and National Precedent for Accommodating Religious Voters

40. The relief Plaintiffs seek is not unprecedented. To the contrary, it is consistent with a well-established and growing practice of accommodating religious voters when election dates conflict with religious holidays.

41. **The Neighboring Town.** This very accommodation of religious voters in municipal elections has already occurred in Plaintiffs' own backyard. The Town of Bay Harbor Islands, a neighboring municipality in Miami-Dade County with a substantial Jewish population, was scheduled to hold its April 2026 municipal election on April 7, 2026, the same date at issue here. *Resolution No. 2531*, Town of Bay Harbor Islands, Fla. (Nov. 12, 2025). At the November 12, 2025 Regular Town Council Meeting, Mayor Isaac Salver requested that the election date be moved from April 7 to April 14, 2026, "due to a religious holiday," and the Council confirmed that the change "conforms with the Town Code." *Town of Bay Harbor Islands, Regular Town Council Meeting Minutes 18* (Nov. 12, 2025). The Council unanimously approved the change by a vote of 6-0, rescheduling the election to April 14, 2026, designating April 11, 2026, as the early voting date, and moving the organizational meeting to April 22, 2026. *Id.* The resolution was approved as to form and legal sufficiency by the Town's attorneys. *Resolution No. 2531*, supra, at 3. Bay Harbor Islands thus did exactly what Plaintiffs ask this Court to order Surfside to do: postpone an April 7, 2026 election by one week to avoid a conflict with Passover. The Town accomplished this without controversy, without disruption,

and without any suggestion that a one-week delay impaired the integrity of the electoral process. If Bay Harbor Islands could move its election with a simple, unanimous council vote, there is no reason Surfside cannot do the same, and no reason this Court should permit Surfside to force its Jewish residents to choose between their faith and their franchise when a costless alternative is readily available.

42. The 2010 Special Election for Florida’s 19th Congressional District. In 2010, the special election to fill the vacancy caused by Representative Robert Wexler’s resignation was initially scheduled for April 6, 2010, the last day of Passover. The Republican nominee met with Governor Charlie Crist and expressed his concern that a significant portion of the Jewish population would not have an opportunity to vote. National Jewish advocacy groups, citing the schedule conflict and the high density of Jewish voters in the district, called for the election to be moved to a later date. Governor Crist postponed the election by one week, to April 13, 2010.²¹ This is precisely the same relief sought here: a one-week postponement of an election that falls on the last day of Passover in a community with a large Jewish population.

43. New York’s 2016 Presidential Primary. In 2015, New York moved its 2016 presidential primary from April 26 to April 19 to avoid a conflict with Chol Hamoed Pesach, ensuring that observant Jewish voters could participate.²²

44. New Jersey’s 2025 Primary. New Jersey postponed its 2025 primary election from June 3 to June 10 to avoid a conflict with the Jewish holiday of Shavuot, recognizing that the original

²¹ *Crist Reschedules Special Election in Boca Raton to Not Fall on Passover*, Fox News (Feb. 19, 2010), *supra* note 6.

²² New York State Senate, “Senate Passes Bill to Set April 19, 2016, as Date of the Presidential Primary in New York” (2015), available at <https://www.nysenate.gov/newsroom/press-releases/2015/senate-passes-bill-set-april-19-2016-date-presidential-primary-new> (“The Democratic National Committee has proposed an alternative presidential primary date of April 26, 2016, which would result in the election being held in the middle of Passover week. The bill passed by the Senate today eliminates any potential conflict for voters who observe Passover.”).

date would burden observant Jewish voters. Governor Phil Murphy signed the bipartisan legislation into law on December 31, 2024, after a coalition of more than 60 rabbis and nonprofit leaders called for the date to change.²³

45. **Montgomery County, Pennsylvania.** Montgomery County expanded voting access when its 2024 primary fell on Passover, extending satellite office hours and relocating polling places to ensure that Jewish voters were not disenfranchised.²⁴

46. **Illinois HB 1157.** The Illinois General Assembly amended its Election Code, Township Code, Revised Cities and Villages Act, and School Code to provide that whenever an election date conflicts with the celebration of Passover, the election shall be postponed. The legislation defines “the celebration of Passover” as including the eight-day period beginning on the 15th day of the Hebrew lunisolar month of Nisan.²⁵ This legislative enactment reflects a growing national consensus that election scheduling must account for the religious observances of the electorate.

47. These examples demonstrate that the accommodation of religious voters is not a novel or radical proposition. It is a well-established practice that has been embraced by governors, state legislatures, and local governments across the country, including in Florida itself.

²³ Philadelphia Inquirer, “New Jersey Postponed Its Primary Election Because of the Jewish Holiday of Shavuot” (Jan. 7, 2025), available at <https://www.inquirer.com/politics/new-jersey/nj-2025-primary-date-postponed-shavuot-20250107.html> ; New Jersey Globe, “It’s Official: Primary Election Will Be on June 10, 2025” (Dec. 31, 2024), available at <https://newjerseyglobe.com/campaigns/its-official-primary-election-will-be-on-june-10-2025/> .

²⁴ CBS News Philadelphia, “Montgomery County, Pennsylvania, Expands Voting Access Ahead of Passover and Primary Election” (Apr. 15, 2024), available at <https://www.cbsnews.com/philadelphia/news/montgomery-county-pennsylvania-expands-voting-access-primary-election-day-passover/> .

²⁵ Illinois General Assembly, HB 1157, 104th General Assembly, available at <https://www.ilga.gov/documents/legislation/104/HB/PDF/10400HB1157.pdf>.

LEGAL STANDARD FOR TEMPORARY INJUNCTION

48. Under Florida law, a temporary injunction requires the movant to establish: (1) a substantial likelihood of success on the merits; (2) the unavailability of an adequate remedy at law; (3) irreparable harm absent the injunction; and (4) that the public interest supports entry of the injunction. *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1258 (Fla. 2017); *Salazar v. Hometeam Pest Defense, Inc.*, 230 So. 3d 619, 622 (Fla. 2d DCA 2017). Plaintiffs satisfy each element.

ARGUMENT

I. PLAINTIFFS ARE SUBSTANTIALLY LIKELY TO SUCCEED ON THE MERITS BECAUSE THE APRIL 7 ELECTION DATE VIOLATES THE FLORIDA RELIGIOUS FREEDOM RESTORATION ACT, THE FREE EXERCISE CLAUSE, AND THE RIGHT TO VOTE

A. The April 7 Election Date Violates the Florida Religious Freedom Restoration Act (Fla. Stat. § 761.03)

49. The Florida Religious Freedom Restoration Act (“FRFRA”) provides that “[t]he government shall not substantially burden a person’s exercise of religion, even if the burden results from a rule of general applicability, except that government may substantially burden a person’s exercise of religion only if it demonstrates that application of the burden to the person: (a) Is in furtherance of a compelling governmental interest; and (b) Is the least restrictive means of furthering that compelling governmental interest.” Fla. Stat. § 761.03(1).

50. “Exercise of religion” is defined broadly under FRFRA as “an act or refusal to act that is substantially motivated by a religious belief, whether or not the religious exercise is compulsory or central to a larger system of religious belief.” Fla. Stat. § 761.02(3).

51. The Florida Supreme Court has held that “a substantial burden on the free exercise of religion is one that either compels the religious adherent to engage in conduct that his religion forbids

or forbids him to engage in conduct that his religion requires.” *Warner v. City of Boca Raton*, 887 So. 2d 1023, 1033 (Fla. 2004).

52. Here, the scheduling of the runoff election on April 7, 2026, during Passover, imposes a substantial burden on the religious exercise of Surfside’s observant Jewish residents in two distinct ways:

a. **Direct Religious Prohibition.** For a meaningful segment of the Orthodox community, voting during Chol Hamoed is itself a prohibited weekday activity under Jewish law (*halacha*). See Lipskar Affidavit at ¶¶ 10-11. These residents sincerely believe that casting a ballot on April 7 would transgress their religious obligations. *Id.* The election date thus **forbids** them from engaging in conduct their religion **requires**: the observance of Chol Hamoed restrictions, including the avoidance of unnecessary weekday activities such as voting.

b. **Practical Burdens Flowing from Religious Observance.** Even for those who do not interpret *halacha* as categorically prohibiting voting on Chol Hamoed, the election date **compels** them to choose between (i) exercising their fundamental right to vote and (ii) fulfilling the religious obligations of Passover, including traveling to be with family for the Seders, attending synagogue services, preparing for the onset of the Seventh Day of Passover at sundown on April 7, and observing the religious character of Chol Hamoed. This is precisely the type of coercive pressure that FRFRA was enacted to prevent.

53. Because the April 7 election date substantially burdens Plaintiffs’ exercise of religion, the burden shifts to Defendants to demonstrate that the date (a) furthers a compelling governmental interest and (b) is the least restrictive means of furthering that interest. Fla. Stat. § 761.03(1)(a)-(b). Defendants cannot meet this burden. While the Town has an interest in conducting timely

elections, that interest is fully served by a one-week postponement to April 14, 2026. There is no compelling reason why the election must be held on April 7 rather than April 14. A one-week delay is manifestly the least restrictive means of furthering the Town’s interest in timely elections while eliminating the burden on religious exercise.

B. The April 7 Election Date Violates the Free Exercise Clause of the First and Fourteenth Amendments

54. The Free Exercise Clause of the First Amendment, applicable to local governments through the Fourteenth Amendment, “provides that ‘Congress shall make no law... prohibiting the free exercise’ of religion.” *Fulton v. City of Phila.*, 593 U.S. 522, 532 (2021). Governments are therefore prohibited from imposing policies that burden the religious exercise and that do not meet the requirement of being neutral and generally applicable. *See Id.*

55. **Facial neutrality is not dispositive.** Under the Supreme Court’s Free Exercise jurisprudence, a facially neutral law that is not “generally applicable” or that operates in a context of hostility toward religion triggers strict scrutiny. *Id.* at 533-534; *Masterpiece Cakeshop, Ltd. v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018); *Church of the Lukumi Babalu Aye, Inc. v. City of Hialeah*, 508 U.S. 520, 534 (1993).

56. The Supreme Court has made clear that “[g]overnment fails to act neutrally when it proceeds in a manner intolerant of religious beliefs or restricts practices because of their religious nature.” *Fulton*, 593 U.S. at 533. The Free Exercise Clause bars even “subtle departures from neutrality” on matters of religion. *Lukumi*, 508 U.S. at 534. And factors relevant to the assessment of governmental neutrality include “the historical background of the decision under challenge, the specific series of events leading to the enactment or official policy in question, and the legislative or administrative history, including contemporaneous statements made by members of the decisionmaking body.” *Id.* at 540.

57. In *Masterpiece Cakeshop*, the Supreme Court held that the Colorado Civil Rights Commission violated the Free Exercise Clause because commissioners made statements exhibiting hostility toward the baker’s religious beliefs. 584 U.S. at 634-635. The Court emphasized that “the government, if it is to respect the Constitution’s guarantee of free exercise, cannot impose regulations that are hostile to the religious beliefs of affected citizens and cannot act in a manner that passes judgment upon or presupposes the illegitimacy of religious beliefs and practices.” *Id.* at 636 (citing *Lukumi*, 508 U.S. at 534).
58. Similarly here, the Burkett letter provides direct evidence of animus toward the Jewish community’s religious and political identity.²⁶ The outgoing Mayor, a sitting government official and participant in the election, has publicly characterized the Jewish community’s voting bloc as “frightened and misled religious voters” who “vote in lockstep,” framed the election as a contest between the Jewish 25% and the non-Jewish 75%, and urged non-Jewish voters to turn out on April 7 to “overcome the fearmongering” of Jewish civic participation. *Id.* These statements, made by a government official in the context of the very election at issue, demonstrate that the April 7 election date does not operate in a neutral environment. The Constitution “commits government itself to religious tolerance, and upon even slight suspicion that proposals for state intervention stem from animosity to religion or distrust of its practices, all officials must pause to remember their own high duty to the Constitution and to the rights it secures.” *Lukumi*, 508 U.S. at 547.
59. Even setting aside the evidence of animus, the April 7 election date fails the general applicability requirement. Under *Fulton*, a law is not generally applicable if it “invite[s] the government to consider the particular reasons for a person’s conduct by providing a mechanism

²⁶ Exhibit 2, Letter of Charles Burkett, *supra* note 22.

for individualized exemptions.” 593 U.S. at 533 (quoting *Employment Div. v. Smith*, 494 U.S. 872, 884 (1990)). The Town Charter’s runoff timing provision is not an immovable mandate; it is a scheduling mechanism that has been adjusted in analogous circumstances. Governor Crist’s postponement of the 2010 FL-19 special election demonstrates that Florida election dates are subject to adjustment when they conflict with religious holidays. The Town’s refusal to make a similar accommodation here, while such accommodations have been made elsewhere, undermines any claim of general applicability.

60. Because the April 7 election date is neither neutral nor generally applicable in its operation, it is subject to strict scrutiny. For the reasons set forth above, it cannot survive that scrutiny.

C. The April 7 Election Date Imposes an Unconstitutional Burden on the Right to Vote Under the Anderson-Burdick Framework

61. The right to vote is a fundamental right protected by the First and Fourteenth Amendments. Under the *Anderson-Burdick* framework, courts “weigh the character and magnitude of the asserted First and Fourteenth Amendment injury against the state’s proffered justifications for the burdens imposed by the rule, taking into consideration the extent to which those justifications require the burden to plaintiffs’ rights.” *Democratic Exec. Comm. of Fla. v. Lee*, 915 F.3d 1312, 1318 (11th Cir. 2019). “A law that severely burdens the right to vote must be narrowly drawn to serve a compelling state interest.” *Id.* Under this test, a Plaintiff need not necessarily show discriminatory intent, but that it is an impermissible burden that is insufficiently justified by a legitimate state interest. *Id. citing Anderson v. Celebrezze*, 460 U.S. 780, 806 (1983).

62. “[T]here is no compelling state or municipal interest which requires that the municipal election be held...” on April 7, 2026. *See Michaelson ex rel. Lewis v. Booth*, 437 F. Supp. 439, 443 (D.R.I. 1977). Faced with a similar circumstance, a municipal election scheduled to take

place over a Jewish holiday, the Rhode Island District Court determined that the date of the election must be changed in accord with the equal protection of the rights of the Plaintiff class.

Id. at 444.

63. Likewise here, there is no compelling interest that requires the election to proceed on April 7, 2026. A substantial portion of the electorate, constituting a discrete and identifiable religious minority group, is effectively prevented from voting due to a religious holiday. The voters affected are not a small or marginal group. They constitute a substantial portion, if not a majority, of Surfside's electorate. More than half of Surfside's 3,432 registered voters cast ballots in the March 17 general election.²⁷ The practical effect of the April 7 date is to conduct a mayoral runoff election in which a significant percentage of eligible voters cannot participate, skewing the outcome and undermining the legitimacy of the democratic process.
64. The Town's interest in holding the election on a specific date, rather than one week later, is minimal and does not justify this severe burden. A one-week postponement fully serves the Town's interest in timely elections while eliminating the disenfranchisement of hundreds of observant Jewish voters. *See League of Women Voters of N. Carolina v. North Carolina*, 769 F. 3d 224, 244 (4th Cir. 2014) ("... even one disenfranchised voter-let alone several thousand-is too many, what matters... is not how many minority voters are being denied equal electoral opportunities but simply that 'any' minority voter is being denied equal electoral opportunities.") (emphasis supplied).

²⁷ Florida Politics, *supra* note 1 ("More than half of Surfside's 3,432 registered voters cast ballots Tuesday.").

D. The April 7 Election Date Constitutes Indirect Discrimination Against a Religious Minority in Violation of the Equal Protection Clause

65. “The Equal Protection Clause provides that no ‘State’ shall ‘deny to any person within its jurisdiction the equal protection of the law.’” *Black Voters Matter Fund v. Sec’y of State for Ga.*, 11 F. 4th 1227, 1234 (11th Cir. 2021); (citing U.S. Const. amend. XIV §1). The Equal Protection Clause restrains states from implementing policies that invidiously discriminate. *See Id.* In this circuit, equal protection challenges are considered under the Anderson test. *See Bergland v. Harris*, 767 F. 2d 1551, 1552 (11th Cir. 1985). Once a plaintiff identifies the interference with the exercise of its First Amendment rights, the burden turns to the state to justify the burden imposed by the rule. *Fulani v. Krivanek*, 973 F.2d 1539, 1544 (11th Cir. 1992).
66. While the Town Charter’s runoff timing provision is facially neutral, its application to this particular election in this particular community produces a severely disparate impact on the Jewish community, which constitutes approximately half of Surfside’s population and a substantial portion of its registered voters. As stated by the Anderson Court, “it is especially difficult for the State to justify a restriction that limits political participation by an identifiable political group whose members share a particular viewpoint, associational preference, or economic status.” *Anderson*, 460 U.S. at 793. (emphasis supplied).
67. The disparate impact is not incidental. It is the foreseeable and inevitable consequence of scheduling an election during a major religious holiday in a community where the affected religious group constitutes a near-majority of the population. When combined with the evidence of animus set forth above, the disparate impact rises to the level of a constitutional violation.

68. Numerous jurisdictions have recognized the conflict between election dates and religious holidays and have taken affirmative steps to accommodate religious voters. New Jersey postponed its 2025 primary election to avoid a conflict with the Jewish holiday of Shavuot.²⁸ Montgomery County, Pennsylvania expanded voting access when its primary fell on Passover.²⁹ New York moved its 2016 presidential primary to avoid Chol Hamoed.³⁰ Illinois enacted legislation requiring the postponement of elections that conflict with Passover.³¹ And Florida's own Governor postponed the 2010 FL-19 special election for precisely the same reason at issue here. These actions reflect a growing national consensus that election scheduling must account for the religious observances of the electorate, and the Town's refusal to follow this consensus is both unreasonable and constitutionally suspect.

II. PLAINTIFFS WILL SUFFER IRREPARABLE HARM ABSENT AN INJUNCTION

69. The loss of constitutional freedoms, even for minimal periods of time, constitutes irreparable injury. As the United States Supreme Court has held, “[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.” *Elrod v. Burns*, 427 U.S. 347, 373 (1976) (plurality opinion), *quoted in Roman Catholic Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63 (2020) (per curiam). The Florida Supreme Court has endorsed this principle. *Gainesville Woman Care, LLC v. State*, 210 So. 3d 1243, 1263 (Fla. 2017).

70. Here, the irreparable harm is twofold. First, Plaintiffs' right to free exercise of religion is burdened by the coercive choice between religious observance and civic participation. Second,

²⁸ Philadelphia Inquirer, *supra* note 28.

²⁹ CBS News Philadelphia, *supra* note 29.

³⁰ New York State Senate, *supra* note 27.

³¹ Illinois General Assembly, HB 1157, *supra* note 30.

Plaintiffs' fundamental right to vote is effectively nullified. Once the election occurs on April 7 without Plaintiffs' participation, the harm is complete and cannot be undone. There is no adequate remedy at law for a lost vote in a municipal election. No amount of monetary damages can restore the franchise after the fact.

71. The harm is particularly acute in this case because the mayoral runoff is a two-candidate race in a small municipality with only 3,432 registered voters.³² Every vote carries outsized significance, and the absence of hundreds of observant Jewish voters could easily determine the outcome.

III. NO ADEQUATE REMEDY AT LAW EXISTS

72. There is no adequate remedy at law for the deprivation of the right to vote or the right to free exercise of religion. Once the April 7 election is held, the results cannot be unwound. Monetary damages cannot compensate for the loss of the franchise or the forced abandonment of religious observance. Only injunctive relief, in the form of a postponement of the election date, can prevent the irreparable harm.

73. The Supreme Court has been clear on this issue. The Court said the Free Exercise Clause protects against "indirect coercion or penalties on the free exercise of religion, not just outright prohibitions." *Trinity Lutheran Church v. Comer*, 582 U.S. 449 (2017); *see also, Carson v. Makin* 596 U.S. 767 (2022). Furthermore, even "[w]hile the compulsion may be indirect, the infringement upon free exercise is nonetheless substantial." *Thomas v. Review Board*, 450 U.S. 707 (1981).

³² Florida Politics, *supra* note 1.

IV. THE PUBLIC INTEREST STRONGLY FAVORS INJUNCTIVE RELIEF

74. The public interest is served by ensuring that elections are conducted in a manner that maximizes voter participation and respects the constitutional rights of all citizens. Holding a runoff election on a date that effectively disenfranchises a substantial portion of the electorate undermines public confidence in the democratic process and produces an election result that does not reflect the will of the community.
75. Conversely, a one-week postponement to April 14, 2026, imposes no meaningful burden on the Town or the County. See *Michaelson ex rel. Lewis*, 437 F. Supp. at 443. The administrative costs of rescheduling are minimal. No candidate is prejudiced by a brief delay. And the integrity of the election is enhanced, not diminished, by ensuring that all eligible voters can participate.
76. The public interest also favors the protection of religious liberty. Florida enacted FRFRA precisely to ensure that government action does not force citizens to choose between their faith and their civic obligations. Enforcing that statutory protection here serves the public interest in religious pluralism and tolerance.
77. Finally, the public interest is served by ensuring that elections are not conducted in an environment tainted by animus toward a religious community. The Burkett letter's characterization of Jewish voters as a monolithic bloc of "frightened and misled religious voters" who must be "overcome" is antithetical to the values of democratic self-governance.³³ Postponing the election by one week removes the taint of religious animus from the electoral process and ensures that all Surfside residents, regardless of faith, can participate on equal terms.

³³ Exhibit 2, Letter of Charles Burkett, *supra* note 22.

CONCLUSION AND RELIEF REQUESTED

For the foregoing reasons, Plaintiffs respectfully request that this Court enter a Temporary Injunction:

- 78. Enjoining Defendants the Town of Surfside, Florida, and Miami-Dade County, Florida, from conducting the mayoral runoff election on April 7, 2026;
- 79. Ordering that the mayoral runoff election be rescheduled to April 14, 2026, or such other date as the Court deems appropriate that does not conflict with the Passover holiday;
- 80. Granting such other and further relief as this Court deems just and proper.

Dated: March 31, 2026

Respectfully submitted,

GS2 LAW PLLC

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Counsel for Plaintiffs

VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing motion and that the facts stated in it are true and correct to the best of my knowledge and belief.



Shlomo Danziger
Date: March 31, 2026

RULE 1.610 CERTIFICATION

I HEREBY CERTIFY that on March 31, 2026, the undersigned counsel made efforts to provide notice of the instant filing via e-mail to all Defendants.

GS2 LAW PLLC

By: /s/ Robert Garson

Robert Garson (FBN: 1034548)

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Title	FINAL Amended Emergency Petition for Temporary...
File name	FINAL%20Amended%2...%20Injunction.pdf
Document ID	dfa247c65abc992b5360475ec8c44006b549884b
Audit trail date format	MM / DD / YYYY
Status	● Signed

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training and experience as an ordained Rabbi, and my expertise in Jewish religious law (halacha).

2. I serve as the Rabbi of The Shul of Bal Harbour in Surfside, Florida, a Chabad-Lubavitch Hasidic Orthodox Jewish Congregation with over 800 member families. I was ordained at Central Lubavitch Rabbinical College at 770 Eastern Parkway.
3. As a Rabbi serving the Surfside community, I am intimately familiar with the religious practices, observance levels, and communal life of the Jewish residents of Surfside. I am also qualified, by virtue of my training and ordination, to explain the requirements of Jewish religious law as they bear on the issues in this case.
4. I submit this affidavit in support of Plaintiffs' Emergency Motion for Temporary Injunction to reschedule the Town of Surfside mayoral runoff election from April 7, 2026, to April 14, 2026.

THE JEWISH COMMUNITY OF SURFSIDE

5. Surfside is home to one of the most concentrated Jewish communities in the United States. A substantial portion of the Town's residents are Jewish, and a significant number of those identify as Orthodox or otherwise traditionally observant. The community includes multiple synagogues, Jewish day schools, kosher establishments, and an eruv (a ritual boundary that permits carrying on the Sabbath), all of which reflect the deeply religious character of the neighborhood.
6. The Jewish residents of Surfside are not a monolithic group. They span a range of observance levels, from strictly Orthodox to Conservative to Reform to culturally identified. However, across this spectrum, Passover (Pesach) is one of the most widely and seriously observed holidays in the Jewish calendar. Even Jews who do not observe every aspect of Jewish law

throughout the year overwhelmingly observe Passover in some meaningful way, whether by attending a Seder, abstaining from leavened bread (chametz), traveling to be with family, or taking time away from ordinary activities.

THE PASSOVER HOLIDAY AND ITS RELIGIOUS REQUIREMENTS

7. Passover 2026 begins at sundown on Wednesday, April 1, and concludes after nightfall on Thursday, April 9. The holiday commemorates the Exodus of the Israelites from Egypt and is one of the three biblically mandated pilgrimage festivals. It is among the most sacred observances in the Jewish faith.
8. The holiday is divided into distinct periods with different levels of religious obligation:
 - a. The First Two Days (April 2-3, 2026) are full Yom Tov (holy days). Observant Jews are prohibited from performing melacha(creative work), which includes driving, writing, using electronic devices, handling money, and engaging in most ordinary weekday activities. These prohibitions are substantially identical to those of the Sabbath (Shabbat).
 - b. Chol Hamoed (April 4-7, 2026) refers to the intermediate days of the festival. While Chol Hamoed carries fewer restrictions than full Yom Tov, it remains a period of religious significance governed by its own body of halacha (Jewish law). The specific obligations and restrictions of Chol Hamoed are discussed in detail below.
 - c. The Last Two Days (April 8-9, 2026) are again full Yom Tov, carrying the same prohibitions as the first two days. The Seventh Day of Passover begins at sundown on April 7, the very date of the scheduled runoff election.

THE RELIGIOUS SIGNIFICANCE OF CHOL HAMOED AND THE DIRECT BURDEN ON OBSERVANT VOTERS

9. April 7, 2026, the date of the scheduled runoff election, falls on the last day of Chol Hamoed. It is essential that this Court understand that Chol Hamoed is not a secular interlude between holy days. It is an integral part of the Passover festival, carrying its own religious obligations and, for many observant Jews, its own prohibitions.
10. The Direct Religious Prohibition for Some Observant Jews. Within the Orthodox community, there is a well-established body of halachic authority holding that certain ordinary weekday activities are prohibited or restricted during Chol Hamoed. The Talmud (Tractate Moed Katan) and the Shulchan Aruch (Code of Jewish Law, Orach Chaim 530-548) set forth detailed rules governing what activities are and are not permitted during Chol Hamoed. The overarching principle is that Chol Hamoed should be devoted to the joy of the festival (simchat ha-moed) and that unnecessary weekday labor (melechet hedyot) should be avoided. As the Magen Avraham (Orach Chaim 530) explains, the prevailing opinion is that all manner of creative work is presumptively forbidden, same as a Yom Tov day, unless it falls into a specific category that the Rabbis explicitly allowed.
11. Among the categories of activity restricted during Chol Hamoed is ordinary writing (ketiva). The Shulchan Aruch (Orach Chaim 545) specifically addresses the prohibition on writing during Chol Hamoed, and many halachic authorities extend this prohibition to activities that involve writing in a non-essential, weekday manner. Voting, which requires signing one's name, marking a ballot, traveling to a polling place, and engaging in an ordinary civic (i.e., non-festival) activity, falls within the scope of activities that many halachic authorities would consider prohibited or strongly disfavored during Chol Hamoed.

THE PRACTICAL BURDENS STEMMING FROM RELIGIOUS OBSERVANCE

12. Even for those observant Jews who do not interpret halacha as categorically prohibiting voting on Chol Hamoed, the scheduling of the election on April 7 imposes severe practical burdens that flow directly from their religious observance of Passover. These burdens are not matters of personal preference or convenience; they are the direct and unavoidable consequences of fulfilling religious obligations.
13. Travel for Passover. Passover is, above all, a family holiday. The Seder, the ritual meal held on the first two nights of Passover, is the most widely observed Jewish ritual in the world. It is a religious obligation to participate in the Seder, and for many families, this means traveling, often considerable distances, to be with parents, grandparents, or extended family. Many Surfside residents travel out of state or even internationally for Passover.
14. Critically, many families who travel for the Seders remain away for the entirety of the eight-day holiday. This is not merely a matter of convenience. Passover observance requires eating only kosher-for-Passover food, which involves extensive preparation and the complete removal of all leavened products (chametz) from one's home. Many families find it impractical or impossible to maintain two separate Passover-observant households (one at home and one at their travel destination) and therefore remain at their destination for the full holiday. As a result, these residents will be physically absent from Surfside on April 7 and unable to vote in person.
15. Preparation for the Seventh Day of Passover. April 7 is not only the last day of Chol Hamoed; it is also Erev Yom Tov, the eve of the Seventh Day of Passover, which is a full holy day beginning at sundown. Observant Jews must complete all preparations for the holy day before sundown ensuring that all prohibited activities cease before the onset of Yom Tov. In the

spring, sundown in Miami occurs at approximately 7:30 p.m., but preparations begin well before that. The practical demands of preparing for Yom Tov significantly constrain the time available for secular activities, including traveling to a polling place and waiting in line to vote.

16. The Cumulative Effect. For many observant Jewish residents of Surfside, the combination of these factors, being out of town for Passover, preparing for the onset of Yom Tov at sundown, attending synagogue services, and observing the religious character of Chol Hamoed, makes voting on April 7 in some instances effectively impossible and in others extremely burdensome.

ABSENTEE VOTING DOES NOT ADEQUATELY ADDRESS THE BURDEN

17. I am aware that vote-by-mail is available under Florida law. However, in my experience as a Rabbi serving this community, vote-by-mail does not adequately address the burden for several reasons:
- a. The runoff election was not confirmed until March 17, 2026, leaving extremely limited time for voters to request, receive, complete, and return mail-in ballots before departing for Passover, which begins on April 1.
 - b. Many members of my congregation were not anticipating a runoff and had not previously requested mail-in ballots. The compressed timeline between the triggering of the runoff and the onset of Passover creates a logistical burden that falls disproportionately on observant Jewish voters who will be traveling.
 - c. During the first two and last two days of Passover, observant Jews are prohibited from writing, using electronic devices, and handling mail. A voter who is away from home and

receives a mail-in ballot during the holiday may be unable to complete and return it within the required timeframe due to these religious restrictions.

- d. The availability of an alternative voting mechanism does not excuse the government from scheduling an election on a date that imposes a substantial burden on religious exercise.

The burden should not exist in the first place.

THE MODEST REMEDY SOUGHT

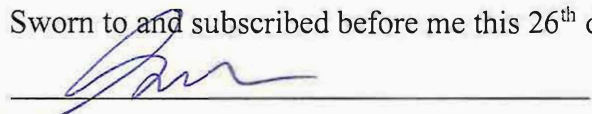
18. Plaintiffs seek only a one-week postponement of the runoff election, from April 7 to April 14, 2026. From a religious standpoint, April 14 presents no conflict with any Jewish holiday or observance. Passover will have concluded on the evening of April 9, and April 14 is an ordinary weekday on the Jewish calendar. A one-week delay would fully eliminate the religious burden while preserving the integrity of the electoral process.
19. In my judgment as a Rabbi and community leader, the scheduling of this election during Passover has caused significant distress among the Jewish residents of Surfside. Many congregants have expressed to me their anguish at being forced to choose between observing their religious faith in their preferred manner and their right to participate in a consequential election for the leadership of their town. This is a choice that no citizen should have to make, and it is one that a brief postponement would entirely eliminate.
20. For the reasons set forth above, the scheduling of the Surfside mayoral runoff election on April 7, 2026, during Passover, imposes both a direct religious burden on those observant Jews who believe voting is prohibited on Chol Hamoed, and severe practical burdens on the broader observant Jewish community stemming from the religious obligations of the Passover holiday. A one-week postponement to April 14, 2026, would fully remedy this burden at no cost to the Town or the electoral process.

FURTHER AFFIANT SAYETH NAUGHT.



RABBI ZALMAN LIPSKAR

Sworn to and subscribed before me this 26th day of March, 2026.



NOTARY PUBLIC, State of Florida

Print Name: Gerri Kelly

My Commission Expires: Notary Public State of Florida

Commission No.:  My Commission HH 267420 Expires 5/22/2026

[NOTARY SEAL]

From: Charles Burkett's Personal Opinion <charles@burkettcompanies.com>

Date: Saturday, March 21, 2026 at 3:26 PM

To: Stephen J. Helfman <SHelfman@wsh-law.com>

Subject: You Should Know! 3/21/26



**Update: Charles Burkett's
Personal Opinion
"The Letter Tina Paul Should
Write."**

Hello Surfside:

As you know, there is a runoff election scheduled in a few days, on April 7th between Shlomo Danzinger and me.

Fortunately, most voters know quite a bit about each of us, but I want to share something about me, beyond the faint praise my opponents share about me being kind and compassionate, that most do not know.

That I am tested and battle-hardened tough!

Let me prove it here by sharing with you some uncomfortable truths.

Because of Mr. Danzinger's candidacy, Surfside again is facing a major directional change.

Danzinger is only competitive in this race because of one thing; FEAR.

This is a tactic that he has used before, labeling most who oppose or challenge him, antisemitic, or worse.

As unbelievable as it may seem, *I am Jewish*, but that has not stopped him from using those tactics on me!

Here's how Danzinger has, again, run his campaign.

Step 1: He has maliciously trumpeted that this election puts the Jewish community under threat.

Step 2: He has appointed himself as THE one who can deliver the religious community from the (non-existent) threat.

Step 3: He had recruited three fellow believers of his fear hoax to enter the race with him – two won, and now Surfside stands on the precipice of giving the keys of the town to three Danzinger votes which Danzinger will no doubt again run as his religious protectorate.

The foregoing statement is not hyperbole, as everyone remembers the last time Danzinger was in office, he flew HIS religion's flag prominently on our town hall building, just near the American Flag, 24-hours a day, and lit at night.

Danzinger was more than happy to proclaim that under his leadership, Surfside's government will fly only one religious flag, and represent only one

religion to the world; a stark and ominous reminder to all residents that Danzinger's religious beliefs are the only ones that matter.

Danzinger is a cottage industry based on division and his actions are disqualifying.

His presence in this race is frightening, and perceived by many who have different beliefs or opinions, as a lost battle, with Danzinger's religious beliefs and that of his followers, as what matters most in Surfside.

I hope that if after you read this letter, you only take away this:

That Danzinger has successfully frightened and misled a solid 850 religious voters in our community, who now, out of fear, vote in lockstep to

elect him. That number represents 25% of all our voters.

Happily, Danzinger's fear-mongering has a limit, and that limit is 860 votes.

If Surfside wants to beat Danzinger and defeat his fearmongering, we need more than 860 votes from our side to win. It should be noted that we already achieved that goal by a hair in the last election if you combine my votes with the votes Mr. Blumstein received ...but we need a bigger winning margin.

How do we achieve that winning margin?

I believe it gets done by me writing this letter to you and letting you know that I am not the *'wallflower'* Danzinger wants you to believe I am, and, if Surfside wants to avoid another two

years of Danzinger, and all the tumult that would bring, **Surfside must come out and vote on April 7th.**

The good news that Danzinger has only been able to frighten and mislead 25% of our voters, while we have access to the remaining 75%, who can be inspired, excited and energized about electing a commission that serves **all religions and **every** resident, *without exception.***

This letter was not easy for me to compose; however, I believe that making the hard decisions and telling my voters the truth, is always the right decision – so much for the wallflower label!

The reality is, *this is how I live my life ...and how I will lead our town.*

Of course, there is much more that can be said about Danzinger and his "style" of governing, something a quick google search will reveal, but the above despicable tactics are, in my opinion, the worst!

Thank you for coming out on April 7th to overcome the fearmongering and shine a bright light on the love and respect Surfside has always projected, which keeps our town open and welcoming to all.

Tina Paul

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IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
IN AND FOR MIAMI-DADE COUNTY, FLORIDA

[PLAINTIFF NAME(S)],

Plaintiffs,

Case No. [_____]

v.

TOWN OF SURFSIDE, FLORIDA,
and MIAMI-DADE COUNTY, FLORIDA,

Defendants.

**AFFIDAVIT OF
FRED WALFISH
IN SUPPORT OF PLAINTIFFS'
EMERGENCY MOTION FOR
TEMPORARY INJUNCTION**

AFFIDAVIT OF FRED WALFISH

STATE OF [*Florida*]

COUNTY OF [*Palm Beach*]

BEFORE ME, the undersigned authority, personally appeared **Fred Walfish**, who, being first duly sworn, deposes and says:

1. My name is Fred Walfish. I am over the age of eighteen and am competent to testify to the matters set forth herein. I make this affidavit based on my personal knowledge.
2. I am a resident of the Town of Surfside, Florida. I reside at 9273 Collins Ave, Unit 312, Surfside, Florida 33154. I am a registered voter in Miami-Dade County and have voted in prior Surfside municipal elections.
3. I am 75 years old and, to the best of my knowledge, I have never missed an election of which I was both aware, and in which I was eligible to vote. If I were to be denied the opportunity to vote in this election, there would be no available remedy that could cure the harm of being disenfranchised from the democratic process.
4. I am Jewish and I am observant. Passover (Pesach) is one of the most important holidays in the Jewish calendar, and I observe it faithfully each year. My observance of Passover

includes attending Seders with family, traveling to be with family, refraining from ordinary work on the Yom Tov days, observing the restrictions of Chol Hamoed as defined in my community by rabbinic tradition, and other specific observances.

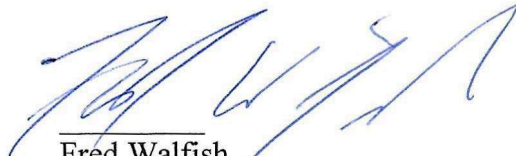
5. On March 17, 2026, I voted in the Surfside general municipal election for Mayor. I learned that evening that no candidate had received more than 50% of the vote and that a runoff election between former Mayor Shlomo Danzinger and Vice Mayor Tina Paul would be held on April 7, 2026.
6. I immediately recognized that April 7, 2026, falls during Passover. Passover begins at sundown on April 1 and ends after nightfall on April 9. April 7 is the last day of Chol Hamoed (the intermediate days of the holiday) and the eve of the Seventh Day of Passover, a full Yom Tov. I knew that I would be away from Surfside for the Passover holiday and would not be able to vote in person on April 7.
7. On March 18, 2026, the very next day after the general election, I requested a vote-by-mail ballot from the Miami-Dade County Elections Department so that I could participate in the runoff election. I acted as promptly as possible because I understood that time was short: Passover would begin on April 1, and I needed to receive, complete, and return my ballot before departing for the holiday.
8. After requesting my ballot on March 18, I waited for it to arrive. On Friday March 27th, I called the Miami-Dade County Elections Department to inquire about the status of my ballot.

9. The Elections Department confirmed that they had, indeed, recorded my request on March 18 and that my mail-in ballot was sent out on March 24, 2026 — six days after I had requested it and only eight days before the election.
10. I continued to wait for my ballot to arrive through Saturday, March 28th. It did not come.
11. On Sunday, March 29, 2026, I departed Surfside to travel for Passover. I left without ever having received my mail-in ballot. Passover begins at sundown on Wednesday, April 1, and I will be away from Surfside for the duration of the holiday, through at least April 9.
12. I will not be in Surfside on April 7, 2026. I will not be able to vote in person. I did not receive the mail-in ballot I requested. I have been effectively disenfranchised in the Surfside mayoral runoff election.
13. I did everything within my power to participate in this election. I requested my mail-in ballot at the earliest possible opportunity — the day after the general election triggered the runoff. Despite my diligence, the mail-in ballot system failed to deliver my ballot in time for me to vote before departing for Passover. The compressed timeline between the March 17 general election and the April 1 start of Passover made it unrealistic for me to receive and return a mail-in ballot.
14. I want to vote in this election. The Surfside mayoral race is important to me and to my community. I am deeply distressed that I have been denied the opportunity to participate in a consequential election for the leadership of my town because the runoff was scheduled during Passover.
15. If the runoff election were postponed by one week, to April 14, 2026, I would be back in Surfside and able to vote. Passover ends after nightfall on April 9. April 14 presents no

conflict with any Jewish holiday or religious observance. A one-week postponement would fully restore my ability to participate in this election.

16. I respectfully ask this Court to grant Plaintiffs' motion and order that the runoff election be rescheduled to April 14, 2026, so that I and other observant Jewish residents of Surfside are not denied our fundamental right to vote.

FURTHER AFFIANT SAYETH NAUGHT.



Fred Walfish

Sworn to and subscribed before me this 30 day of March, 2026.



ELIJAH HALL
Commission # HH 612971
Expires November 17, 2028

In person.



Elijah Hall

Notary Public, State of Florida

My Commission Expires: 11/17/28