

Exhibit 9

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION**

LEROY PERNELL, et al.,

Plaintiffs,

v.

FLORIDA BOARD OF GOVERNORS OF
THE STATE UNIVERSITY SYSTEM, et al.,

Defendants.

Case No.: 4:22-cv-304

**DECLARATION OF DR. DANIEL A. SMITH IN SUPPORT OF
PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

I, Dr. Daniel A. Smith, hereby declare and state as follows:

A. Background

1. My name is Daniel A. Smith. I am over 18 years of age.
2. I have personal knowledge of the following facts and if called to testify could and would competently do so.
3. I am Professor and Chair of the Department of Political Science, at the University of Florida ("UF"). I have spent nearly 20 years teaching within this Department and taught for nine years prior to coming to UF. In addition to this work, I am also President of ElectionSmith, which specializes in empirical research on voting and election administration in the American states.

4. I received my doctorate in Political Science from the University of Wisconsin-Madison in 1994, and B.A.s in Political Science and History from Penn State University in 1988.
5. For nearly 30 years, I have conducted research on electoral politics in the American states, focusing on the effect of political institutions on political behavior. I have testified before the U.S. Senate and state legislatures, on voting and election issues, and have served as an expert in election-related litigation in several states, including in Florida and before this court.

B. Political Science Department at UF

6. As Department Chair, I am responsible for overseeing departmental curricula for undergraduate and graduate students, liaising with faculty and staff to ensure that we fulfill the Department's mission to provide a supportive, high quality educational environment, and managing the hiring of new faculty and staff.
7. In the Spring of 2018, following the announcement of UF's "Faculty 500 Teacher/Scholar Initiative," our Department developed a new strategic hiring plan committed to recruiting a cluster of faculty who could teach courses focused on the intersection of race, ethnicity, gender, and categories of identity across subfields in the discipline of Political Science. With backing and resources from the Dean of the College of Liberal Arts and Sciences, our

Department prioritized hiring scholars broadly engaged in field-bridging research and pedagogy, adding to our Department's tradition of intellectual diversity and pluralism and to better reflect the interests of our diverse undergraduate and graduate student populations.

8. As a result of our cluster hiring, our Department now offers new courses to our students, including "Race, Law and the Constitution," "Race, Gender and Politics," "Feminist Political Thought," "Gender & Politics," and "Citizenship and Migration." These and other courses taught by our "Faculty 500" colleagues have not only received excellent reviews from UF students from diverse backgrounds, but are also regularly fully enrolled.

C. HB 7's Impact on the Political Science Department at UF

9. It is my understanding that Governor Ron DeSantis signed House Bill 7 ("H.B. 7") into law sometime in April 2022. Based on reading news articles and conversations with colleagues, I understand that H.B. 7 places limits on classroom instruction for public institutions in Florida. Specifically, H.B. 7 includes a list of "prohibited concepts" that cannot be used in instruction unless they are offered "objectively" and "without endorsement."
10. Within weeks after H.B. 7 became law, the same faculty whom our Department recently hired to teach courses on race, ethnicity, gender, and identity began contacting me seeking guidance on how to conform their

coursework for the fall 2022 semester to H.B. 7. These faculty primarily come from diverse backgrounds and are primarily untenured.

11. I have had one-on-one conversations with several of these junior faculty members about whether they need to change their course material or syllabi before the next semester begins; whether they will face legal liability if they continue to teach their courses as they had before H.B.7; and their concerns for their livelihoods. Several members of our junior faculty are deeply concerned that H.B. 7 negatively impacts their ability to teach.

12. Even as Department Chair, there are limits to the protections that I can offer other faculty members, particularly those without tenure. I worry that some of the faculty that we specifically hired to teach about race, ethnicity, gender, and identity will be inhibited from teaching what they were expressly hired to teach as a result of H.B. 7's restrictions on these very topics, making professional achievement and advancement at UF difficult.

13. I am also very concerned about the possibility instructors in our Department may have to modify how they teach – not because their planned coursework is no longer pedagogically sound – but solely because of H.B. 7's restrictions on speech. This is antithetical to the Department's mission, and to the pursuit of political science, which seeks to fairly and critically examine the relationships between governance, power, and the public.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and accurate.

Executed on August 19, 2022.



Dr. Daniel A. Smith