

24-3717CI

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA**

Christopher Gleason,  
A Florida Citizen, Elector  
and Candidate for  
Supervisor of Elections, Pinellas County  
Plaintiff,

Case No.: [Insert Case No.]

v.

Julie Marcus,  
in her official capacity as  
Pinellas County Supervisor of Elections;  
Dustin Chase,  
in his official capacity as  
Pinellas County Deputy Supervisor of Elections;  
Matt Smith,  
in his official capacity as  
Legal Counsel for the Pinellas County Supervisor of Elections;

99 John Does,

Individually;

99 Jane Does,

Individually;

Defendants.

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2024 AUG 20 PM 2:34  
KEN BURKE  
CLERK OF CIRCUIT COURT

**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF TO ENFORCE  
FLORIDA'S PUBLIC RECORDS ACT, FOR DECLARATORY JUDGMENT TO CEASE  
ELECTION FRAUD, AND REQUEST FOR IMMEDIATE HEARING**

## **INTRODUCTION**

1. This is an action for declaratory and injunctive relief to immediately halt the counting of illegal vote-by-mail ballots in the upcoming election on August 20, 2024. Plaintiff, a candidate for the office of Pinellas County Supervisor of Elections, seeks to prevent the Defendants from counting ballots that were ordered and sent out without the consent of voters, in violation of Florida election laws. Plaintiff also seeks a declaratory judgment to cease all election fraud and ensure compliance with lawful election procedures.

2. The Plaintiff contends that the actions of the Defendants constitute a direct and imminent threat to the integrity of the election process, warranting immediate judicial intervention to prevent irreparable harm to the Plaintiff, other candidates, and the electorate.

## **JURISDICTION AND VENUE**

3. This Court has jurisdiction over this matter pursuant to Article V, Section 5 of the Florida Constitution and Chapter 26, Florida Statutes.

4. Venue is proper in this Court because the events giving rise to this action occurred in Pinellas County, Florida, where the Defendants hold their official positions and where the election at issue is to be conducted.

## **PARTIES**

5. Plaintiff, Christopher Gleason, is a resident of Pinellas County, Florida, a registered voter, a taxpayer, and a candidate running for the office of Pinellas County Supervisor of Elections against the incumbent, Julie Marcus.

6. Defendant, Julie Marcus, is the incumbent Supervisor of Elections for Pinellas County and is sued in her official capacity.

7. Defendant, Dustin Chase, is the Deputy Supervisor of Elections for Pinellas County and is sued in his official capacity.

8. Defendant, Matt Smith, is the legal counsel for the Pinellas County Supervisor of Elections and is sued in his official capacity.

9. Defendants John Does 1-99 and Jane Does 1-99 are individuals whose identities are currently unknown, but who participated in the alleged unlawful acts described herein and are also sued in their individual and official capacities.

### **FACTUAL ALLEGATIONS**

10. Upon information and belief on June 23, 2024, the Pinellas County Supervisor of Elections, under the direction of Defendant Julie Marcus and in coordination with Defendants Dustin Chase and Matt Smith, ordered 219,695 vote-by-mail ballots without obtaining the consent of the voters, in violation of Florida Statute § 101.62(1). The statute mandates that vote-by-mail ballot requests must be made by the voter or, if designated by the voter, an immediate family member or legal guardian.

11. The ordering of vote-by-mail ballots for Pinellas County voters without their consent also constitutes a violation of Florida Statute § 104.0616, which explicitly prohibits any person from ordering a vote-by-mail ballot on behalf of another individual who is not an immediate family member.

12. On July 16, 2024, the Pinellas County Supervisor of Elections Office, under the direction of Julie Marcus, sent out 234,733 vote-by-mail ballots to Pinellas County voters.

13. Of the approximately 234,733 vote-by-mail ballots sent out on 07/16/2024, approximately 35,756 ballots were sent to addresses where the registered voters no longer reside, to addresses that were classified as vacant or undeliverable as addressed by the USPS, deliverability database and the NCOA, National Change of Address Database, creating a significant risk of ballot harvesting and voter fraud. See Exhibit A

14. The United States deliverability database and the USPS NCOA, national change of address database is official government data. This is what the USPS uses in determining how to sort and deliver mail, to include vote by mail ballots. This is the United States Government data which is irrefutable evidence that these 35,756 voters were not possibly able to receive and cast these ballots.

15. All of these 35,756 vote by mail ballots that were sent out by the Pinellas County Supervisor of Elections would have been returned to the Pinellas County Supervisor of Elections Office as undeliverable.

16. Any of these 35,756 vote by mail ballots being shown as cast in the Statewide Vote By Mail Report would mean that someone in the Pinellas County Supervisor of Election Office or someone from the United States Postal Service cast the vote-by-mail ballots instead of the voters.

14. During Pinellas County Logic and Accuracy Testing for the August 20, 2024 election, Plaintiff verbally requested public records regarding the vote-by-mail ballots that had been sent out and returned as undeliverable as addressed.

15. Defendant Dustin Chase stated, “that information will be made available after the period to challenge the election has elapsed.” This statement constitutes a violation of the Florida Constitution, Article I, Section 24, Florida Statute § 119.07, and Florida Statute § 838.022.

16. Plaintiff witnessed, during Logic and Accuracy Testing, James Brown Jr., a concerned voter inquire with Defendant Dustin Chase about a vote-by-mail ballot being sent to him without it being requested. This voter requested a copy of the form that showed he had requested the vote-by-mail ballot and was unlawfully denied access to such records.

17. Defendant Matt Smith told the voter that he would investigate the matter and get back to him at a later date.

18. While canvassing potential voters, Plaintiff received multiple reports that many voters had received vote-by-mail ballots despite not having requested them.

19. Plaintiff then analyzed the Statewide Vote-By-Mail report and noticed an improbable anomaly: 219,695 vote-by-mail ballot requests were recorded as being made on June 23, 2024. This massive number comprised 93.59% of all the vote-by-mail ballots sent out on July 16, 2024.

20. No reasonably prudent person can deny the presence of massive election fraud if suddenly 219,695 Pinellas County voters all decided in unison to request a vote-by-mail ballot on the same day.

21. It is impossible for 219,695 Pinellas County voters to have all requested a vote-by-mail ballot on June 23, 2024, as it was a Sunday, and the Pinellas County Supervisor of Elections Office was closed on that day.

22. Even if the Pinellas County Supervisor of Elections Office had been open on Sunday, June 23, 2024, the Pinellas County Supervisor of Elections would not have had adequate staffing and resources to handle the influx of 219,695 people all deciding to request a vote-by-mail ballot.

23. Florida Statute § 101.62 and FAC 1S-2.055 are explicitly clear about how vote-by-mail ballots can be requested: they are submitted in person, in writing, by telephone, or through the Supervisor of Elections website.

24. If 219,695 Pinellas County voters had indeed requested vote-by-mail ballots as reported, there would be an electronic record, log, public record, or election record for each request made by each Pinellas County voter.

25. When requests for these records were made pursuant to Chapter 119, Florida Statutes, and Florida Statute § 101.62 by voters on August 17, 2024, no legitimate records were provided, in violation of the Florida Election Code, Chapter 119, Florida Statutes, and Florida Statute § 838.022.

26. Defendants conspired to and did willingly and knowingly unlawfully conceal and unlawfully delay providing official records and documents, in violation of Florida Statute § 838.022 (Official Misconduct).

27. Defendants' actions violated procedural safeguards established by Florida law, including Florida Statutes §§ 101.68 and 101.62, which mandate strict procedures for handling vote-by-mail ballots, including verification of voter signatures and ensuring that ballots are sent only to the address on record.

28. Defendants Marcus, Chase, Smith, and the John Does and Jane Does, in a conspiracy to corruptly influence the outcome of the August 20, 2024 election, intentionally bypassed the legal requirements for requesting vote-by-mail ballots to manipulate voter turnout and vote results in favor of the incumbent and their preferred candidates.

29. Numerous concerned voters have contacted Defendants about receiving vote-by-mail ballots without having requested them.

30. Defendants have refused to provide executed copies of the DS-DE 160 forms to voters and Plaintiff, which are legally required under Florida Statute § 101.62 for voters requesting vote-by-mail ballots after April 17, 2024.

31. Defendants have falsely claimed that these public records are exempt from disclosure under Florida Statute § 119.07(1), which is a willful and knowing violation of Florida Statute § 838.022.

32. Concerned voters who received vote-by-mail ballots without requesting them on June 23, 2024, completed sworn and notarized affidavits, which are attached to this complaint as Exhibit B.

33. Defendants have willfully and intentionally obstructed, delayed, and denied access to public records, including the electronic records related to the ordering of vote-by-mail ballots via telephone, through the Supervisor of Elections website, or in writing with the DS-DE 160 forms, necessary to verify the legitimacy of these requests.

34. In furtherance of their conspiracy to influence the election, Defendants have willfully and knowingly concealed, obstructed, and delayed the communication of information relating to the commission of election-related felonies, thereby violating Florida Statute § 838.022(c) (Official

Misconduct), creating a breach of public trust, and causing irreparable harm to the Plaintiff and the electorate.

35. The illegal distribution of these ballots presents a substantial risk of voter fraud, undermines the integrity of the election process, and violates the Plaintiff's rights under the Equal Protection Clause of the Florida Constitution.

36. The actions of the Defendants have caused and will continue to cause irreparable harm to the Plaintiff, other candidates, and the electorate by tainting the upcoming election with many thousands of potential illegal votes and disenfranchising voters who may try to vote on election day and are told that they had already voted by vote-by-mail ballot. A portion greater than 15% were undeliverable,

## LEGAL CLAIMS

### **Count I: Violation of Equal Protection Clause (Florida Constitution, Article I, Section 2)**

#### Elements:

1. State Action: The Defendants, acting in their official capacities, engaged in actions that constitute state action under the Equal Protection Clause of the Florida Constitution.
2. Disparate Treatment or Dilution of Votes: The Defendants' actions resulted in the unauthorized and unrequested distribution of vote-by-mail ballots, creating a situation where ballots could be cast illegally, diluting the lawful votes of the Plaintiff and other voters.
3. Causation and Harm: The Plaintiff, as a candidate, is directly harmed by the dilution of lawful votes and the potential for election fraud, which undermines the fairness of the election and could alter the election outcome.

#### Supporting Facts:

- State Action: Defendants Julie Marcus, Dustin Chase, and Matt Smith, acting in their official capacities, ordered and sent out 219,695 vote-by-mail ballots without proper authorization or voter consent (§10-12). These actions are official functions of their respective offices, constituting state action.

- Disparate Treatment or Dilution of Votes: Defendants sent 35,756 vote-by-mail ballots to incorrect addresses, risking illegal votes being cast (§13). This action dilutes the value of legally cast votes, violating the equal protection rights of the Plaintiff and other voters.
- Causation and Harm: The unlawful distribution of these ballots directly harms Plaintiff by tainting the election with potential illegal votes (§36).

Legal Authority: Article I, Section 2 of the Florida Constitution.

Count II: Violation of Florida Election Law (Florida Statutes §§ 101.62, 101.68, 101.69, 104.041, 104.047, 104.051, 104.0515, 104.0616)

Elements:

1. Violation of Ballot Request Procedures: Defendants violated Florida Statutes by ordering and distributing vote-by-mail ballots without obtaining voter consent as required by § 101.62.
2. Unlawful Distribution of Ballots: Defendants unlawfully distributed unauthorized ballots to unverified addresses, violating Florida Statutes §§ 101.68, 104.0515.
3. Improper Handling of Vote-by-Mail Ballots: Defendants failed to comply with the requirements for canvassing vote-by-mail ballots, including verifying signatures and ensuring that ballots were only sent to correct addresses, in violation of § 101.68.
4. Improper Return of Vote-by-Mail Ballots: Defendants mishandled the return and processing of unsolicited vote-by-mail ballots, violating § 101.69.
5. Fraud in Connection with Casting Vote: Defendants engaged in activities that constitute an attempt to cast fraudulent votes by sending vote-by-mail ballots to addresses where voters no longer reside, in violation of § 104.041.
6. Absentee Ballots and Voting Violations: Defendants violated § 104.047 by knowingly allowing or facilitating the casting of multiple votes or voting in someone else's name.
7. Neglect of Duty and Corrupt Practices: Defendants neglected their duties and engaged in corrupt practices by sending ballots to unverified addresses and refusing to comply with public records requests, in violation of § 104.051.
8. Deprivation of Voting Rights: The actions of the defendants effectively deprived voters of their voting rights by diluting lawful votes and facilitating fraud, in violation of § 104.0515.



9. Ordering Ballots for Non-Family Members: Defendants violated § 104.0616 by ordering vote-by-mail ballots on behalf of individuals who were not immediate family members.

Supporting Facts:

- Violation of Ballot Request Procedures: Defendants ordered 219,695 vote-by-mail ballots on June 23, 2024, without obtaining voter consent, violating the statutory requirements for requesting vote-by-mail ballots (§10, 23-24). Florida Statute § 101.62 mandates that requests must be made by the voter or a designated family member.
- Unlawful Distribution of Ballots: The distribution of 35,756 ballots to incorrect or undeliverable addresses violates § 101.68, which requires that ballots be sent only to the address on record (§13, 27). Additionally, this action violates § 104.0515, which prohibits interference with voter registration and ballot distribution processes.
- Improper Handling of Vote-by-Mail Ballots: Defendants failed to properly verify signatures and ensure that vote-by-mail ballots were sent only to correct addresses, violating the canvassing requirements under § 101.68 (§27).
- Improper Return of Vote-by-Mail Ballots: Voters who received unsolicited vote-by-mail ballots may have been discouraged or prevented from voting in person, or their ability to return the ballots was mishandled, in violation of § 101.69 (§36).
- Fraud in Connection with Casting Vote: The sending of ballots to addresses where voters no longer reside constitutes an attempt to cast fraudulent votes, violating § 104.041 (§13).
- Absentee Ballots and Voting Violations: The mishandling of vote-by-mail ballots, including potential multiple voting or voting in someone else's name, violates § 104.047 (§19-24).
- Neglect of Duty and Corrupt Practices: Defendants' actions in sending ballots to incorrect addresses and refusing to comply with public records requests constitute neglect of duty and corrupt practices, in violation of § 104.051 (§26, 31).
- Deprivation of Voting Rights: The defendants' actions have effectively deprived voters of their voting rights by diluting lawful votes and facilitating fraud, violating § 104.0515 (§34-36).
- Ordering Ballots for Non-Family Members: The ordering of 219,695 vote-by-mail ballots without proper authorization, especially for voters who had not requested them, directly violates § 104.0616, which prohibits ordering vote-by-mail ballots for another person who is not an immediate family member (§11).

Legal Authority: Florida Statutes §§ 101.62, 101.68, 101.69, 104.041, 104.047, 104.051, 104.0515, 104.0616.

### **Count III: Violation of Florida Statute § 838.022 (Official Misconduct)**

#### Elements:

1. Falsification or Concealment of Public Records: Defendants falsified or concealed public records related to the vote-by-mail ballot requests.
2. Obstruction of Communication of Information: Defendants obstructed the communication of information relating to the commission of a felony or the public's right to access public records.

#### Supporting Facts:

- Falsification or Concealment of Public Records: Defendants failed to provide legitimate records of the 219,695 vote-by-mail ballot requests, despite lawful public records requests under Chapter 119 (¶25-26). Defendants falsely claimed that these records were exempt from disclosure (¶31).
- Obstruction of Communication of Information: Defendants conspired to delay and obstruct the release of information regarding the unlawful distribution of ballots, thereby violating Florida Statute § 838.022 (¶25, 34).

Legal Authority: Florida Statute § 838.022.

### **Count IV: Violation of Chapter 119, Florida Statutes (Public Records Act)**

#### Elements:

1. Failure to Provide Access to Public Records: Defendants violated Chapter 119 by failing to provide access to public records related to vote-by-mail ballot requests and their distribution.

#### Supporting Facts:

- Failure to Provide Access to Public Records: Despite multiple requests, Defendants failed to provide public records of vote-by-mail ballot requests, violating Chapter 119, which mandates transparency and access to public records (¶25, 30). This refusal includes not providing executed DS-DE 160 forms, as required under Florida Statute § 101.62 (¶30).

Legal Authority: Chapter 119, Florida Statutes.

### **PRAYER FOR RELIEF**

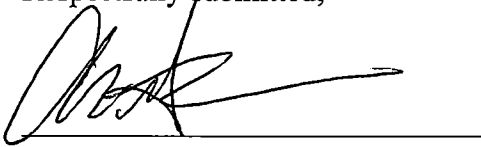
WHEREFORE, Plaintiff respectfully requests that this Court:

- a. Declare that the actions of Julie Marcus, Dustin Chase, Matt Smith, John Does 1-99, and Jane Does 1-99 in ordering and sending vote-by-mail ballots without voter consent and to incorrect addresses violate the Plaintiff's rights under the Florida Constitution, Florida law, and Florida Statute § 838.022.
- b. Declare that the ordering of vote-by-mail ballots for individuals who are not immediate family members, as described in Florida Statute § 104.0616, constitutes a violation of Florida law.
- c. Declare that the mishandling of vote-by-mail ballots, including failing to verify signatures and sending ballots to incorrect addresses, constitutes a violation of Florida Statute § 101.68.
- d. Issue a temporary restraining order (TRO) and preliminary injunction prohibiting the Defendants from counting any vote-by-mail ballots sent without voter consent or sent to incorrect addresses in the upcoming August 20, 2024, election.
- e. Issue a permanent injunction prohibiting the Defendants from sending unauthorized vote-by-mail ballots in future elections.
- f. Order Defendants to immediately comply with Plaintiff's public records requests pursuant to Chapter 119, Florida Statutes, and provide all requested records.
- g. Award Plaintiff's attorneys' fees and costs pursuant to Chapter 119, Florida Statutes.

- h. Grant such other and further relief as the Court deems just and proper.
- i. Plaintiff reserves the right to amend this complaint as more evidence emerges through discovery and otherwise concerning the fraud, misconduct and corruption of Defendants as alleged herein.

Dated: [Insert Date]

Respectfully submitted,



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*PROSe*