

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

CHRISTOPHER GLEASON, Candidate for Supervisor  
of Elections, Pinellas County, Elector, Citizen, and Taxpayer,

Plaintiff,

v.

Case No.: 24-003995-CI  
UCN: 522024CA003995XXCICI

JULIE MARCUS, in her official capacity  
as Pinellas County Supervisor of Elections, et al.,

Defendants.

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**JULIE MARCUS' MOTION TO DISMISS,  
ANSWER AND DEFENSES**

Comes now, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, pursuant to Fla. Stat. §102.168 and Rule and 1.140 of the Florida Rules of Civil Procedure, and hereby submits this Motion to Dismiss and Answer and Defenses in responsive to Plaintiff's untimely Verified Complaint to Contest Election as follows:

**INTRODUCTION**

Plaintiff's Complaint is devoid of any substance by which it can be found that misconduct, fraud, or corruption on the part of any election official or member of the Canvassing Board or the receipt of sufficient illegal votes or rejection of sufficient legal votes which would change or place in legitimate doubt the result of the election. See, Fla. Stat. §102.168(2)(a), (c). Plaintiff's Complaint is based upon his misunderstanding of elections processes, misapplication of the law, and general distrust of the State's vote-by-mail system. Although not authorized pursuant to Fla. Stat. §102.168, Plaintiff is seeking to invalidate the 2024 primary election "in its entirety" and order a new election to be held.

Fla. Stat. §102.168 does not allow for the wholesale invalidation of an entire election. If it did, as Plaintiff asserts, then Plaintiff failed to name indispensable parties, to wit: every successful candidate for office or nomination. See, Fla. Stat. §102.168(4) (2024). “The successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate.” Plaintiff names only Julie Marcus, purportedly “in her official capacity as Supervisor of Elections for Pinellas County” and “in her capacity as incumbent candidate for Supervisor of Elections, Pinellas County” and the Pinellas County Canvassing Board. Moreover, Plaintiff specifically states “...the defendants are officials of Pinellas County.” (Complaint ¶ 4). There are no candidates, other than the Defendant, or nominees named as defendants. Moreover, while Plaintiff has named the Canvassing Board for Pinellas County as a defendant, “[t]he Elections Canvassing Commission is an indispensable party defendant in federal, state, and multicounty elections, and in elections for justice of the Supreme Court, judge of a district court of appeal, and judge of a circuit court.” Fla. Stat. §102.168(4) (2024). Furthermore, While Plaintiff correctly acknowledges that “[a] statement of the grounds of contest may not be rejected, nor the proceedings dismissed, by the court for any want of form if the grounds of contest provided in the statement are sufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested” Plaintiff’s Complaint fails to clearly inform the defendant of the particular cause for which the nomination or election is contested in that Plaintiff seeks to have the “results of the August 20, 2024 election in Pinellas County, Florida void...” and to “[o]rder a new election for the offices contested in the August 20, 2024 election...” (Complaint Prayer for Relief ¶2, ¶5). As a result, Plaintiff’s Complaint should be dismissed.

Even if this Court were to disregard Plaintiff’s prayer for relief, his sweeping conspiratorial allegations regarding the election in general, and his clear statement that the “defendants are

officials of Pinellas County” and read into his Complaint a contest of the supervisor of elections race only, Plaintiff’s Complaint must be dismissed as untimely since he failed to file his Complaint within ten (10) days of certification of the election by the Pinellas County Canvassing Board. Fla. Stat. §102.168(2).

### **MOTION TO DISMISS**

While Fla. Stat. §102.168, requires the filing of an answer and defenses to any election contest within ten days after the complaint was served, Florida law does not prohibit motions seeking dismissal of such an action. *See, e.g., Burns v. Tondreau*, 139 So. 3d 481 (Fla. 3d DCA 2014) (affirming, in part, trial court's granting of a Motion to Dismiss of an election contest filed pursuant to Section 102.168, Fla. Stat.). As a result thereof, Defendant moves to Dismiss Plaintiff’s Complaint with prejudice.

As a general rule, when considering a motion to dismiss, a trial court is limited to the allegations within the four corners of the complaint and any attachments. However, there are several exceptions to this general rule. For example, a court is permitted to consider evidence outside the four corners of the complaint where the motion to dismiss challenges subject matter jurisdiction or personal jurisdiction, or where the motion to dismiss is based upon *forum non conveniens* or improper venue.

*Steiner Transocean Ltd. v. Efremova*, 109 So. 3d 871, 873.

Moreover, “[i]t is insufficient to plead opinions, theories, legal conclusions or argument.” *Barrett v. City of Margate*, 743 So. 2d 1160, 1163 (Fla. 4th DCA 1999); *see also* Fla. R. Civ. P. 1.110(b) (requiring “a short and plain statement of the ultimate facts showing that the pleader is entitled to relief”). These rules apply to self-represented litigants as well as attorneys. Exhibits attached to a pleading “must be considered a part thereof for all purposes.” Fla. R. Civ. P. 1.130(b) “Where complaint allegations are contradicted by exhibits attached to the complaint, the plain meaning of the exhibits control and may be the basis for a motion to dismiss.”

*Hunt Ridge at Tall Pines, Inc. v. Hall*, 766 So. 2d 399 (Fla. 2d DCA 2000). “[E]xhibits attached to a complaint control over the allegations of the complaint when the two contradict each other.” *Paladin Props. V. Family Inv. Enters.*, 952 So. 2d 560, 562 (Fla. 2d DCA 2007). While Plaintiff’s *pro se* status may grant him procedural latitude, it does not afford him immunity. See, *City of Margate*, 743 So. 2d at 1162 (“Notwithstanding the fundamental principle of allowing *pro se* litigants procedural latitude, a practice effected to ensure access to the courts for all citizens, *pro se* litigants are not immune from the rules of procedure.”)

At common law, except for limited application of *quo warranto*, election outcomes were non-justiciable. *McPherson v. Flynn*, 397 So. 2d 665, 667 (Fla. 1981). The Florida Legislature created a limited exception by enacting Section 102.168, Florida Statutes. *Id.* at 668. (“The statutory election contest has been interpreted as referring only to consideration of the balloting and counting process.”); *see also Tondreau*, 139 So. 3d at 486 (noting the Legislature’s expansion of Section 102.168 after *McPherson* to include challenges based on a candidate’s ineligibility for the nomination or office in dispute). Like any statute in derogation of the common law, Fla. Stat. §102.168 must be construed narrowly. *See, e.g., Essex Ins. Co. v. Zota*, 985 So. 2d 1036, 1048 (Fla. 2008) (“it is a well-settled rule of Florida statutory construction that statutes in derogation of the common law are to be construed strictly”) (citations and internal quotations omitted).

In conducting its review of an election contest action, a court may only consider complaints alleging facts evidencing one or more of the following four statutory bases:

- (a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board **sufficient to change or place in doubt the result of the election;**
- (b) Ineligibility of the successful candidate for the nomination or office in dispute;
- (c) Receipt of a number of illegal votes or rejection of a number of legal votes **sufficient to change or place in doubt the result of the election;** or

- (d) Proof that any elector, election official, or canvassing board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result on any question submitted by referendum.

§102.168(3), Fla. Stat. (emphasis added).

**I. This court lacks subject matter jurisdiction as Plaintiff's Complaint was untimely filed.**

When an election contest is not timely filed, the trial court lacks jurisdiction to entertain the election contest. *Kinzel v. City of North Miami*, 212 So. 2d 327, 328 (Fla. 3d DCA 1968); see also *Bailey v. Davis*, 273 So. 2d 422, (Fla. 1st DCA 1973) (“Jurisdiction of the trial court to entertain an election contest ... depends upon the filing of a complaint ... within the time and in the form and content as directed in the statute.”).

Despite Plaintiff's overbroad prayer for relief seeking to “declare the results of the August 20, 2024 election in Pinellas County, Florida, void...” ¶2 specifically avers that “this is an action to contest the election of Pinellas County Supervisor of Elections in Pinellas”. Plaintiff admits that the Pinellas County Canvassing Board certified results for the August 20, 2024 primary election on August 23, 2024. (Complaint ¶8) Plaintiff filed this Complaint on September 6, 2024, fourteen calendar days after certification.

Pursuant to, §102.168, Fla. Stat., in order to bring an elections contest of election, the complaint and fee must be filed within 10 days after midnight of the date the last board responsible for certifying the results certifies the results in this case, the Pinellas County Canvassing Board. As a result, to the extent that Plaintiff is attempting to contest the Pinellas County Supervisor of Elections election, or any county or local contest, Plaintiff's Complaint is untimely. Because Plaintiff failed to timely file his Complaint and filing fee, this Court lacks subject matter

jurisdiction over the 2024 Pinellas County primary election for county and local contests and referenda.

**II. Alternatively, this court is the improper venue for this Complaint and the Plaintiff failed to name indispensable parties.**

Should this Honorable Court find that ¶¶63, ¶66, ¶67, ¶73, ¶78, ¶81, and Plaintiff's prayer for relief control over the conflicting allegations of ¶2 of Plaintiff's Complaint, this court is not the proper venue and Plaintiff failed to name indispensable parties. Under Fla. Stat. §102.1685—which the Plaintiff cites in ¶3 of his Complaint—the proper venue for all contests of elections involving federal, state, or multi-county candidates; judicial candidates for courts with jurisdiction beyond a single county; or contests covering multiple counties, is Leon County.

Moreover, in such contests, pursuant to Fla. Stat. §102.168(4) the Elections Canvassing Commission is an indispensable party defendant. Furthermore, the successful candidate is an indispensable party to an action brought to contest the election or nomination of a candidate. The contests on the Pinellas County 2024 primary ballot included, for example contests in multiple counties see *Perry v Rochford et. al.* (6<sup>th</sup> Judicial Circuit 24-003892-CI).

As a result, to the extent Plaintiff is seeking to contest the entire August 20, 2024 Pinellas County election, venue is improper and he has failed to name numerous indispensable parties, including the Elections Canvassing Commission and all successful candidates for election or nomination and, therefore, dismissal is warranted.

**III. The grounds set forth in Plaintiff's Complaint are insufficient to clearly inform the defendant of the particular proceeding or cause for which the nomination or election is contested.**

As set forth above, the Plaintiff's Complaint contains conflicting statements as to whether he is contesting a single race or all races on the ballot. Moreover, each count incorporates by reference the first 58 paragraphs of his Complaint and, therefore, Counts I, II, III, IV and V contain

conflicting allegations and is insufficient to inform the Defendant or this Court which nomination or election he is contesting. See, *Peacock v. General Motors Acceptance Corp.*, 432 So. 2d 142, 146 (Fla. 1st DCA 1983) (“[c]ontradictory allegations within a single count neutralize each other and render the count insufficient on its face”).

**IV. Plaintiff failed to set forth misconduct, fraud, or corruption sufficient to change or place in doubt the result of the election.**

When the vote results, attached to Plaintiff’s Complaint, are considered, there is nothing contained within Plaintiff’s Complaint that if proven was sufficient to change or place in doubt the result of the election for Pinellas County Supervisor of Elections. Counts I, II, III and IV are based upon Plaintiff’s allegations of fraud relating to the requests for and distribution of vote-by-mail ballots. When reviewing the vote results attached to Plaintiff’s Complaint, it is clear that nothing in the Complaint, even if proven true, would be sufficient to alter or cast doubt on the outcome of the Pinellas County Supervisor of Elections race. Counts I through IV rely on allegations of fraud related to the requests for and distribution of vote-by-mail ballots. Exhibit A shows that 3,256 election day votes, 120,847 mail-in votes, and 4,670 early votes were cast in the Supervisor of Elections race. The exhibit further shows that Plaintiff received 7,381 election day votes, 16,731 mail-in votes, and 825 early votes, while his opponent received 25,180 election day votes, 104,116 mail-in votes, and 3,845 early votes.

Plaintiff received a total of 24,937 votes across all voting methods, while Defendant received 25,180 Election Day votes alone. Therefore, even if the Court were to invalidate all votes cast for Defendant’s by vote-by-mail ballots and early voting ballots while allowing Plaintiff to retain his votes from these methods, Plaintiff would still lose by 243 votes.

Furthermore, Plaintiff seeks to invalidate at least 219,675 mail-in ballots, a number which exceeds by 90,828 the total number of mail-in ballots cast in the race, as shown in his own Exhibit

A. There is also no evidence to support the claim that the 35,756 allegedly undeliverable ballots were actually cast. Plaintiff himself alleges that only 114,739 vote-by-mail ballots were cast and counted in Pinellas County.

Given that Plaintiff's exhibits demonstrate he could not win the election even without considering vote-by-mail ballots, and that he seeks to exclude more ballots than were cast, dismissal is warranted. See *Hunt Ridge at Tall Pines, Inc. v. Hall*, 766 So. 2d 399, 401 (Fla. 2d DCA 2000) (upholding dismissal when exhibits contradicted allegations in the complaint).

**V. Plaintiff fails to plead fraud with particularity and, therefore, fails to set forth fraud as a ground for contesting the election.**

“In all averments of fraud or mistake, the circumstances constituting fraud or mistake shall be stated with such particularity as the circumstances may permit. Malice, intent, knowledge, mental attitude, and other condition of mind of a person may be averred generally.” Fla. R. Civ. P. 1.120. “It is well established that ‘[t]he plaintiff must raise a prima facie case of fraud, rather than ‘nibble at the edges of the concept’ through speculation and supposition.’” *Tikhomirov v. Bank of N.Y. Mellon*, 223 So. 3d 1112, 1116 (Fla. 3d DCA 2017), citing *Federal Home Loan Mortg. Corp. v. De Souza*, 85 So. 3d 1125, 1126 (Fla. 3d DCA 2012). “Where fraud exists, it is not so subtle a concept that it cannot be described with precision.” *Flemenbaum v. Flemenbaum*, 636 So. 2d 579, 580. Counts I, V and VI of Plaintiff's Complaint alleges fraud in general.

Count I of Plaintiff's Complaint relies upon his bald assertion that “according to official election records that the Pinellas County Supervisor of elections [sic] submitted to the Florida Secretary of State Division of Elections, on Sunday, June 23, 2024, a day that the Pinellas County Supervisor of Elections was closed, 219,675 vote-by-mail ballots were illegally requested in violation of Fla. Stat. §101.62.” While ¶18 references Exhibit B, Plaintiff's interpretation of Exhibit B defies logic and his allegations of widespread fraud related to vote-by-mail ballots is

proven baseless by Exhibit A to Plaintiff's Complaint. Moreover, the affidavits Plaintiff relies on (Complaint Exhibit E) merely indicate that "to the best of my knowledge, this vote by mail ballot was sent to me unlawfully and without my request or authorization." The Plaintiff and his affidavits rely on the Statewide Vote-By-Mail Ballot Request Form DS-DE 160 for written requests, which he attached multiple times as an exhibit. Alas, the form clearly indicates on its face that it did not become effective until April 17, 2024. (Exhibit E Statewide Vote-By-Mail Ballot Request Form DS-DE 160 (eff. 04/17/2024)). Moreover, in the case of Cathi Chamberlain whose affidavit is included in Exhibit E, the August 15, 2024, e-mail from Dustin Chase to "Rules for Deplorables" establishes that the affiant did not request a mail ballot on June 23, 2024, but had in fact requested a mail ballot, nearly a year prior to the finalization of the DS-DE 160, and additionally as set forth in the attached e-mail, the manner in which the affiant requested a mail ballot would not require use of the DS-DE 160.

In Count V, Plaintiff alleges that 22,011 ballots which were returned as undeliverable were cast, without anything more than his supposition. (Complaint ¶81)

In Count VI, Plaintiff alleges the Defendant Supervisor allowed non-US Citizens to vote, however, once again there is no factual basis to support these bald allegations. (Complaint ¶83)

Count VII complains of fraud relating to the voting systems without any basis for his claim that the systems were "connected to the internet via wireless modems." (Complaint ¶86). The Plaintiff also complains that ballots were illegally adjudicated as 100% blank. However, Exhibit R to the Complaint includes a newspaper article where four Supervisors of Elections confirm that the 'blank ballot' is not actually 100% blank, contrary to the Plaintiff's claim.

As to all allegations of fraud, Plaintiff fails to allege any facts by which it can be found that even if his allegations are taken as true, the election results were influenced.

**VI. Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election.**

Count IV complains of a public records violation, which does not rise to the level of grounds to contest an election and either has been unsuccessfully litigated by Plaintiff in Sixth Judicial Circuit, Pinellas County, case no. 23-006698-CI or is currently being litigated in 24-003717-CI which was filed the day of the primary election. These claims are irrelevant to the elections challenge and are barred, in whole or in part, by res judicata, collateral estoppel, and/or claim splitting. *Neopolitan Enters., LLC v. City of Naples*, 185 So. 3d 585 (Fla. 2d DCA 2016).

**VII. Count VI alleging fraud related to registering non-US citizens to vote, is improperly alleged against the Supervisor of Elections and, therefore, does not meet the standards for an election contest.**

The Department of State is charged with protecting “the integrity of the electoral process by ensuring the maintenance of accurate and current voter registration records.” Fla. Stat. §98.075(1)(2024). Plaintiff improperly alleges this duty falls to the Defendant Supervisor. Moreover, Plaintiff sets forth no evidence from which it can be found that non-US citizens or other ineligible voters were allowed to vote in the 2024 primary election. In order to remove the name of a registered voter who is determined to be ineligible from the statewide voter registration system, the supervisor must comply with specific provisions of law. Plaintiff’s Complaint is devoid of any facts from which it can be found she violated Fla. Stat. §98.075(1).

**VII. Count VIII complains of misconduct, corruption, use of public funds, resources for electioneering purposes.**

"An election should not be set aside unless a court finds substantial non-compliance with a statutory election procedure and also makes a factual determination that reasonable doubt exists as to whether a certified election expressed the will of the voters." *Kinney v. Putnam Cty.*

*Canvassing Bd.*, 253 So. 3d 1254, 1256 (Fla. 5<sup>th</sup> DCA 2018, quoting *Fouts v. Bolay*, 795 So. 2d 1116, 1118 (Fla. 5th DCA 2001) (citing *Beckstrom v. Volusia Cty. Canvassing Bd.*, 707 So. 2d 720 (Fla. 1998)). The provisions of Fla. Stat. §104.31, allow for criminal penalties for those guilty of violations, it does not form a basis for setting aside an election. Violations of Fla. Stat. §106 is subject to civil penalties imposed by the commissioner of the Florida Elections Commission or an administrative law judge – not the disenfranchisement of voters. Fla. Stat. §106.265 (2024)

### **ANSWER AND DEFENSES**

#### **JURISDICTION AND VENUE**

1. Admitted.
2. Based upon the inconsistencies in Plaintiff’s Complaint as addressed in Defendant’s Motion to Dismiss, Denied.
3. Admitted that this Court has jurisdiction over timely filed elections contests for county and local elections, otherwise Denied.
4. Based upon the inconsistencies in Plaintiff’s Complaint as addressed in Defendant’s Motion to Dismiss, Denied.
5. Admitted that, without emphasis, this is a quote from Fla. Stat. §102.168.
6. Admitted that the Canvassing Board’s composition and duties are set forth in Fla. Stat. §102.141 and that the duties set forth therein are important. Admitted that pursuant to Fla. Stat. §102.168, the Canvassing Board responsible for canvassing the election is an indispensable party defendant in county and local elections, otherwise Denied.
7. Fla. Stat. §102.168 speaks for itself, otherwise denied.
8. Admitted to the extent that Plaintiff re-states Fla. Stat. §102.168(7).

## **PARTIES**

4. Admitted based upon information and belief.
5. Denied that Supervisor Marcus was responsible for overseeing the conduct of election. Admitted that Julie Marcus is the Supervisor of Elections for Pinellas County, Florida, responsible for all duties attendant to such office, and was the successful incumbent candidate for Supervisor of Elections for Pinellas County in the August 20, 2024 Primary Election.
6. Admitted that Defendant Pinellas County Canvassing Board is the entity responsible for canvassing the election returns in Pinellas County and certifying the county and local results; Denied that the Canvassing Board certifies state, federal, multicounty elections, or elections for justices of the Supreme Court, judge of a district court of appeal, and judge of a circuit court.

## **THE ELECTION**

7. Admitted, Exhibit speaks for itself.
8. On August 23, 2024, the Canvassing Board met and certified the first set of unofficial results and submitted election returns to the Department of State, pursuant to Fla. Stat. §102.111. The Canvassing Board then certified Final Official results and submitted election returns to the Department of State, pursuant to Fla. Stat. §102.111. Denied that the Canvassing board issued a certificate to Marcus under Fla. Stat. §102.155.

## **FACTUAL ALLEGATIONS**

9. Denied as untrue and Defendant demands strict proof thereof.
10. This ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself, otherwise Denied.

11. Denied that there are only three methods for a voter to request a vote-by-mail ballot. Otherwise, this ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself as does the opinion in *Boardman v. Esteva*, 323 So. 2d 259, 269 (Fla. 1975), otherwise Denied.
12. This ¶ is a legal conclusion that requires no response; Fla. Stat. §101.62 speaks for itself, otherwise Denied.
13. Denied as untrue as pled and Defendant demands strict proof thereof.
14. Denied, including all negative pregnant.
15. Admitted that if the Pinellas County Supervisor of Elections Office was closed on 06/23/2024 as it was a Sunday, there was no way for voters to make requests for mail ballots via telephone or in person, otherwise Denied including all negative pregnant.
16. Denied as untrue, including all negative pregnant and Defendant demands strict proof thereof.
17. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
18. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
19. Admitted based upon information of belief.
20. Denied as untrue and Defendant demands strict proof thereof.
21. Admitted that undeliverable vote-by-mail ballots should have been returned to the Pinellas County Supervisor of Elections by the United States Postal Service in accordance with law, otherwise Denied including all negative pregnant.

**Undeliverable Ballots Returned and Counted**

22. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
23. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.
24. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
25. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

### **Concealment of Public Records – Concealment of Election Records**

26. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code, for the office of Supervisor of Elections and that he has made many public records requests which have all been responded to and acknowledged, otherwise Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
27. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code, for the office of Supervisor of Elections. Otherwise Denied including all negative pregnant.
28. Denied as untrue and Plaintiff demands strict proof thereof. Exhibit F proves that Plaintiff requested numerous documents on August 23, 2024 and received an acknowledgement the same day. Plaintiff's complaint was filed 14 days later.
29. Denied that election records have been unlawfully withheld from the Plaintiff in violation of Fla. Stat. §101.62, §838.022 or chapter 119, as untrue and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response and the opinion of the Florida Supreme Court in *Gore v. Harris*, which was reversed and remanded by the United States Supreme Court speaks for itself.
30. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
31. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
32. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
33. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
34. Denied as untrue that Marcus and her alleged co-conspirators have illegally administered elections. Exhibit G speaks for itself, otherwise without knowledge and therefore denied.
35. Exhibit H speaks for itself. This ¶ calls for a legal conclusion, otherwise denied as untrue and Defendant demands strict proof thereof.

36. Denied as untrue and Defendant demands strict proof thereof.
37. Denied as untrue and Defendant demands strict proof thereof.
38. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
39. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
40. Exhibit K speaks for itself, otherwise denied as untrue.
41. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
42. Denied as untrue.
43. Denied as untrue. Exhibit L speaks for itself and Plaintiff's conclusory statements require no response.
44. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.  
Moreover, Exhibit M contains affidavits of Plaintiff in Case No. 23-006698-CI wherein judgment was entered for Defendant Supervisor Marcus.
45. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
46. Denied as untrue including all negative pregnant.
47. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
48. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.
49. Exhibit Q speaks for itself, otherwise denied.
50. Admitted that Defendant Marcus or her representatives stated that Plaintiff's claims were categorically false, otherwise Denied as untrue and Defendant demands strict proof thereof.
51. Admitted that Defendant Supervisor Marcus, consistent with other Supervisors of Elections throughout the state, sent official sample ballots and noticed official election information using print media as required by Fla. Stat. §101.20, §98.255 and Administrative Rule 1S-2.033,

including information on how to receive a vote-by-mail ballot, otherwise Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

52. Admitted that Defendant Supervisor Marcus, consistent with other Supervisors of Elections throughout the state, mailed official sample ballots to Pinellas County voters that contained the word Vote, a picture of Defendant Marcus, and her title of Supervisor of Elections, otherwise Denied as untrue.

53. Denied as untrue including all negative pregnant.

54. Denied as untrue including all negative pregnant.

55. Denied as untrue including all negative pregnant.

56. Denied as untrue.

57. Denied as untrue and Defendant demands strict proof thereof. Elections results certified by the Pinellas County Canvassing Board were certified in accordance with Florida law.

58. Denied as untrue and Defendant demands strict proof thereof.

#### **COUNT I: ELECTION CONTEST BASED ON FRAUD**

59. Defendant's responses to the allegations in ¶1 through ¶58 are re-asserted and incorporated as if fully set forth herein.

60. The alleged factual statements are denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response, *Bolden v. Potter* speaks for itself.

61. Denied as untrue and Defendant demands strict proof thereof.

62. ¶62 contains a legal conclusion which requires no response. The cited case law speaks for itself, otherwise Denied.

63. Admitted that Plaintiff seeks to void and disqualify all vote-by-mail ballots cast in the primary election, regardless of circumstances, otherwise Denied as untrue including all negative pregnant. Plaintiff's legal conclusion requires no response *Whitley v. Rhinehart* speaks for itself. (emphasis added)

**COUNT II: ELECTION CONTEST BASED ON OFFICIAL MISCONDUCT**

64. Defendant's responses to the allegations in ¶1 through ¶63 are re-asserted and incorporated as if fully set forth herein.

65. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

66. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusion requires no response, *Beckstrom v. Volusia County Canvassing Board* speaks for itself.

67. Admitted that Plaintiff seeks an order declaring the election results void and ordering a new election for the offices contested in the August 20, 2024 election. (emphasis added)

**COUNT III: ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS, ILLEGAL DELIVERY OF VOTE-MAIL-BALLOTS [SIC] AND ILLEGAL CASTING OF VOTE-BY-MAIL BALLOTS**

68. Defendant's responses to the allegations in ¶1 through ¶67 are re-asserted and incorporated as if fully set forth herein.

69. Denied that 219,675 vote-by-mail ballots were issued without proper requests and that the issuance of any vote-by-mail ballots affected the outcome of the 2024 primary election. Plaintiff's legal conclusions require no response, otherwise Denied.

70. Plaintiff's legal conclusions require no response. The case law speaks for itself, otherwise Denied.

71. Plaintiff's legal conclusions require no response. The statutory provisions cited by Plaintiff speak for themselves, otherwise Denied.

72. Plaintiff's legal conclusions require no response. The statutory provisions cited by Plaintiff speak for themselves, otherwise Denied.

73. Admitted that Plaintiff's Complaint seeks an order disqualifying 219,675 vote-by-mail ballots and declaring the election results void, otherwise Denied including all negative pregnant.

#### **COUNT IV: CONCEALMENT OF PUBLIC RECORDS**

74. Defendant's responses to the allegations in ¶1 through ¶73 are re-asserted and incorporated as if fully set forth herein.

75. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

76. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's legal conclusions require no response, otherwise Denied.

77. Denied as untrue and Defendant demands strict proof thereof.

78. Admitted that Plaintiff seeks an order declaring the election results void. Denied as untrue that any records were concealed, that ballots were tabulated using uncertifiable voting systems, or that voting systems were connected to the internet voiding certification. All other allegations and negative pregnant are denied as untrue.

#### **COUNT V: FRAUD RELATED TO CASTING BALLOTS RETURNED AS UNDELIVERABLE**

79. Defendant's responses to the allegations in ¶1 through ¶78 are re-asserted and incorporated as if fully set forth herein.

80. Plaintiff's legal conclusions require no response, otherwise Denied as untrue and Defendant demands strict proof thereof.

81. Admitted that Plaintiff seeks an order declaring election results void otherwise Denied, Plaintiff seeks to void and disqualify all vote-by-mail ballots cast in the primary election, regardless of circumstances, otherwise Denied as untrue including all negative pregnant.

**COUNT VI: FRAUD RELATED TO REGISTERING NON-US CITIZENS TO VOTE**

82. Defendant's responses to the allegations in ¶1 through ¶81 are re-asserted and incorporated as if fully set forth herein.

83. Plaintiff's legal conclusions require no response, 52 U.S.C. §20507 speaks for itself, otherwise, Denied as untrue including all negative pregnant and Defendant demands strict proof thereof.

84. Plaintiff's legal conclusion requires no response, the referenced statutes speak for themselves, otherwise Denied.

**COUNT VII: FRAUD RELATED TO ADMINISTERING ELECTIONS ON VOTING SYSTEMS THAT EXCEED MAXIMUM, ALLOWABLE ERROR RATES, CONNECTED TO THE INTERNET, WITH VOID CERTIFICATIONS**

85. Defendant's responses to the allegations in ¶1 through ¶84 are re-asserted and incorporated as if fully set forth herein.

86. Denied as untrue and Defendant demands strict proof thereof.

87. Denied as untrue, including all negative pregnant, and Defendant demands strict proof thereof.

88. Denied as untrue.

**COUNT VIII: MISCONDUCT, CORRUPTION, USE OF PUBLIC FUNDS, RESOURCES FOR ELECTIONEERING PURPOSES**

89. Defendant's responses to the allegations in ¶1 through ¶88 are re-asserted and incorporated as if fully set forth herein.

90. Plaintiff's legal conclusion requires no response, Fla. Stat. §104.31(2) speaks for itself, otherwise Denied.

91. Plaintiff's legal conclusion requires no response, Fla. Stat. §106.113(1) and §102.168 speak for themselves, otherwise Denied.

92. Denied as untrue including all negative pregnant and Defendant demands strict proof thereof. Plaintiff's prayer for relief requires no response.

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on September 18, 2024, the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through the E-Portal to **JEFFREY N. KLEIN, ESQ.**, Attorney for Defendant Pinellas County Canvassing Board, at [jklein@pinellas.gov](mailto:jklein@pinellas.gov) and [eservice@pinellas.gov](mailto:eservice@pinellas.gov) and to **CHRISTOPHER GLEASON, PRO SE PLAINTIFF**, via E-Mail at [gleasonforpinellas@gmail.com](mailto:gleasonforpinellas@gmail.com), [cpgleason72@gmail.com](mailto:cpgleason72@gmail.com) and [immutabletruth@protonmail.com](mailto:immutabletruth@protonmail.com) and US Mail to: Christopher Gleason 1628 Sand Key Estates Ct. Clearwater FL 33767.

*/s/ Jared D. Kahn*

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Attorney for Julie Marcus, in her official capacity as  
Pinellas County Supervisor of Elections

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