

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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**PINELLAS COUNTY CANVASSING BOARD'S MOTION  
TO DISMISS, ANSWER AND DEFENSES**

Defendant, the Pinellas County Canvassing Board, pursuant to Section 102.168, Florida Statutes and Rule 1.140 of the Florida Rules of Civil Procedure, hereby submits this Motion to Dismiss, Answer and Defenses in response to Plaintiff's untimely Verified Complaint to Contest Elections as follows:

**MOTION TO DISMISS**

While Section 102.168, Florida Statutes, 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, section 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") (internal citations and 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
- (d) sufficient to change or place in doubt the result of the election; or
- (e) 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.

Section 102.168(3), Florida Statutes (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..." paragraph 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 the August 20, 2024, primary election for county and local races on August 23, 2024. (Complaint ¶8). Plaintiff filed this Complaint on September 6, 2024, fourteen calendar days after certification.

Pursuant to Florida Statutes, section 102.168, to bring a contest of elections, the complaint and filing fee must be filed within 10 days after midnight of the date the last board responsible for certifying the results certifies the results. As a result, to the extent that Plaintiff is attempting to contest the Pinellas County Supervisor of Elections election, or any Pinellas County or local election, 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 paragraphs 63, 66, 67, 73, 78, 81, and Plaintiff's prayer for relief control over the conflicting allegations of paragraph 2 of Plaintiff's Complaint, this court is not the proper venue and Plaintiff failed to name indispensable parties. Pursuant to Florida Statutes, section 102.168(4), cited in Plaintiff's Complaint, "[t]he successful candidate is an indispensable party to any action brought to contest the election or nomination of a candidate and "[t]he Elections Canvassing Commission is an indispensable party defendant in federal, state, and multicounty elections..." Pursuant to Fla. Stat. §102.1685, also cited by Plaintiff, for all contests of state candidates, judicial candidates for courts with jurisdiction beyond a single county, or contests covering multiple counties, venue is in Leon County.

As a result, to the extent Plaintiff is seeking to contest the entire August 20, 2024, Pinellas County election, Plaintiff has failed to name numerous indispensable parties and filed his Complaint in an improper venue 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 paragraph 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.” Plaintiff and his affidavits rely upon the Statewide Vote-By-Mail Ballot Request Form DS-DE160, which he attached numerous times as an exhibit and which demonstrates on its face that it was not 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 in 2023, 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). Plaintiff’s also complains that ballots were “illegally adjudicated” as 100% blank, while Exhibit R to the Complaint contains a newspaper article which states that four supervisors of election confirmed that the “blank ballot” is not a 100% blank ballot as Plaintiff alleges.

As previously set forth, Plaintiff fails to allege any facts by which it can be found that even if his allegations of fraud 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 pursuant to Florida Statutes, section 102.168.

**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). 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.

**VIII. 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. chapter 106 are subject to civil penalties imposed by the commissioner of the Florida Elections Commission or an administrative law judge. Fla. Stat. §106.265 (2024). The remedy for these alleged violations is not the disenfranchisement of voters.

### **ANSWER AND DEFENSES**

#### **JURISDICTION AND VENUE**

1. Admitted.
2. Admitted that this purports to be a contest of elections, otherwise Denied based upon the totality of the Complaint.
3. Admitted that this Court has jurisdiction over timely filed elections contests for county and local elections, otherwise Denied based upon the totality of the Complaint.
4. Admitted to the extent that this action is a contest of elections for the Pinellas County Supervisor of Elections only, otherwise Denied based upon the totality of the Complaint.
5. Admitted that, without the added emphasis, this is quote from Fla. Stat. §102.168, which speaks for itself.
6. The statutes speak for themselves; otherwise denied based upon the totality of the Complaint.
7. Admitted to the extent that this action is a contest of elections for the Pinellas County Supervisor of Elections only, otherwise Denied based upon the totality of the Complaint.

8. Admitted to the extent that Plaintiff re-states Fla. Stat. § 102.168(7), otherwise Denied.

### **PARTIES**

(Duplicative paragraph numbers tracks the numbering in the Complaint)

4. Admitted based upon information and belief.
5. Admitted that Julie Marcus is the Supervisor of Elections for Pinellas County, Florida, responsible for all duties attendant to such office, and was the incumbent candidate for Supervisor of Elections for Pinellas County on the August 20, 2024 Primary Election universal primary ballot and was the elected candidate, otherwise Denied.
6. Admitted that Defendant Pinellas County Canvassing Board is the entity responsible for canvassing the election returns in Pinellas County and certifying the results thereof; Denied to the extent the allegation implies that that the Canvassing Board is the final certifying entity for 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 that Supervisor Marcus was the prevailing candidate against Plaintiff; Exhibit “A” 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.
10. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
11. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself, as does the legal opinion in *Boardman v. Esteve*, 323 So. 2d 259, 269 (Fla. 1975); to the extent a response is required, Denied.
12. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
13. Denied as untrue as pled, including all negative pregnant.
14. Defendant is without sufficient knowledge to admit or deny the truth of the matter asserted which is, therefore, 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.
16. Denied.
17. Denied.
18. This allegation is not directed at the Canvassing Board; otherwise, Denied.
19. Admitted based upon information and belief.
20. Denied including all negative pregnant.
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.

### **Undeliverable Ballots Returned and Counted**

22. Denied including all negative pregnant.
23. Denied including all negative pregnant. *Beckstrom v. Volusia County Canvassing Board* speaks for itself.
24. Denied including all negative pregnant.
25. Denied including all negative pregnant.

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

26. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code; otherwise, Denied.
27. Admitted that Plaintiff was a qualified candidate, as defined by the Florida Election Code; otherwise, Denied.
28. Exhibit F speaks for itself, otherwise Denied.
29. Based upon the Exhibits to this Complaint, Denied. 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 including all negative pregnant.
31. Denied including all negative pregnant.
32. Denied including all negative pregnant.
33. Plaintiff's legal conclusion requires no response, otherwise Denied including all negative pregnant.
34. Exhibit G speaks for itself, otherwise Denied.
35. Denied.
36. Plaintiff's legal conclusion requires no response, otherwise Denied.

37. Plaintiff's legal conclusion requires no response, otherwise, Denied.
38. Denied including all negative pregnant.
39. Denied including all negative pregnant.
40. Denied, see Plaintiff's Exhibit R Docket 33.
41. Denied including all negative pregnant.
42. Denied, see Plaintiff's Exhibit R, Docket 33.
43. Exhibit L speaks for itself, otherwise Denied.
44. Denied.
45. This allegation is not directed at the Canvassing Board; otherwise, Denied.
46. This allegation is not directed at the Canvassing Board; otherwise, Denied.
47. This allegation is not directed at the Canvassing Board; otherwise, Denied.
48. This allegation is not directed at the Canvassing Board; otherwise, Denied including all negative pregnant.
49. This allegation is not directed at the Canvassing Board; otherwise, Denied.
50. This allegation is not directed at the Canvassing Board; otherwise, Denied. Exhibit R speaks for itself.
51. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied.
52. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied including all negative pregnant.

53. This allegation is not directed at the Canvassing Board; otherwise, the Canvassing Board is without sufficient knowledge to admit or deny the allegations which are, therefore, Denied including all negative pregnant.
54. This allegation is not directed at the Canvassing Board; otherwise Denied including all negative pregnant.
55. Denied including all negative pregnant.
56. Denied.
57. Denied including all negative pregnant.
58. This allegation is not directed at the Canvassing Board, otherwise Denied.

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

59. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
60. This paragraph is a legal conclusion to which no response is required; Fla. Stat. §101.62 speaks for itself; to the extent a response is required, Denied.
61. The alleged factual statements are Denied including all negative pregnant; the remainder is a legal conclusion to which no response is required; to the extent a response is required, denied. Fla. Stat. §104.047 speaks for itself.
62. This paragraph is a legal conclusion to which no response is required; to the extent a response is required, denied. The cited case law speaks for itself.
63. Plaintiff's prayer for relief speaks for itself, otherwise Denied including all negative pregnant. Plaintiff's legal conclusion requires no response *Whitley v. Rhinehart* speaks for itself.

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

64. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
65. Denied.
66. The allegation of official misconduct is denied, and Plaintiff's legal conclusion requires no response; to the extent a response is required, Denied including all negative pregnant. The cited case speaks for itself.
67. Admitted based upon the totality of the Complaint.

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

68. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
69. Denied including all negative pregnant. The statutes cited speak for themselves.
70. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The case law speaks for itself.
71. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The statutory provisions cited by Plaintiff speak for themselves.
72. This is a legal conclusion to which no response is required; to the extent a response is required, Denied. The statutory provisions cited by Plaintiff speak for themselves.
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 paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
75. Denied including all negative pregnant.
76. Plaintiff's legal conclusions require no response, to the extent a response otherwise, Denied including all negative pregnant.
77. Denied including all negative pregnant.
78. Admitted that Plaintiff's Complaint seeks an order declaring the election results void  
Otherwise Denied including all negative pregnant.

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

79. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
80. Plaintiff's legal conclusions require no response and the cited caselaw and statute speak for themselves, otherwise Denied including all negative pregnant.
81. Admitted that Plaintiff seeks an order declaring election results void and disqualifying vote-by-mail ballots, otherwise denied including all negative pregnant.

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

82. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
83. This is a legal conclusion requires no response, otherwise Denied.
84. This is a legal conclusion to which no response is required; to the extent a response is required, Denied.

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

85. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
86. Denied including all negative pregnant.
87. Denied including all negative pregnant.
88. This allegation is not directed to the Canvassing Board, otherwise Denied.

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

89. Defendant's responses to the allegations in paragraphs 1 through 58 are re-asserted and incorporated as if fully set forth herein.
90. This is a legal conclusion to which no response is required; Fla. Stat. §104.31 speaks for itself.
91. This is a legal conclusion to which no response is required, Fla. Stat. §106.113 and 102.168 speak for themselves; to the extent a response is require, denied.
92. Denied.

Plaintiff's prayer for relief requires no response.

*[REMINDER OF PAGE INTENTIONALLY LEFT BLANK]*

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that on September 19, 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 **JARED N. KAHN, ESQ.**, Attorney for Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, at [jkahn@pinellas.gov](mailto:jkahn@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/ Jeffrey N. Klein

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