





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

	BALLOT REQUEST FORMS/AFFIDAVITS		
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**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
OF THE STATE OF FLORIDA, IN AND FOR PINELLAS COUNTY**

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SECTION 7  
**CASE SUMMARY**  
**CASE NO. 24-003995-CI**

**CHRISTOPHER GLEASON**  
**Vs.**  
**JULIE MARCUS, et al**

§  
§  
§  
§  
§

Location: **Section 7**  
Judicial Officer: **MUSCARELLA, PATRICIA ANN**  
Filed on: **09/06/2024**  
Case Number History:  
**APPEAL CASE NUMBER: 2D2024-2688**  
**UNIFORM CASE NUMBER: 522024CA003995XXCICI**

CASE INFORMATION

**Related Cases**  
24-003717-CI (RELATED)

**Statistical Closures**  
10/22/2024 CIVIL - DISMISSED AFTER HEARING - OTHER

Case Type: **OTHER CIVIL - CIRCUIT**  
Case: **11/21/2024 REOPENED -**  
Status: **OTHER**  
Case Flags: **CONFIDENTIAL/SEALED CASE NOTICE OF HEARING APPEALED**

DATE

CASE ASSIGNMENT

**Current Case Assignment**

Case Number	24-003995-CI
Court	Section 7
Date Assigned	09/06/2024
Judicial Officer	MUSCARELLA, PATRICIA ANN

PARTY INFORMATION

**PLAINTIFF**      **GLEASON, CHRISTOPHER**  
**DEFENDANT**    **MARCUS, JULIE**

*Lead Attorneys*

**KAHN, JARED D, ESQ**  
*Retained*  
727-464-3354(W)





**PINELLAS COUNTY CANVASSING BOARD**

**KLEIN, JEFFREY N, ESQ**  
*Retained*  
727-464-3354(W)

DATE

EVENTS & ORDERS OF THE COURT

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09/06/2024	 <b>COMPLAINT</b> <i>TO CONTEST ELECTION BASED ON FRAUD, OFFICIAL MISCONDUCT, ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS, CONCEALMENT OF PUBLIC RECORDS, AND VIOLATION OF LEGAL REQUIREMENTS FOR VOTE-BY-MAIL BALLOTS</i>
09/06/2024	 <b>EXHIBIT</b> Party: APPELLANT GLEASON, CHRISTOPHER <i>A</i>
09/06/2024	 <b>EXHIBIT</b> Party: APPELLANT GLEASON, CHRISTOPHER <i>B</i>
09/06/2024	 <b>EXHIBIT</b> Party: APPELLANT GLEASON, CHRISTOPHER <i>E</i>

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**CASE SUMMARY**  
CASE NO. 24-003995-CI

- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE EFF.04/07/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160EFF. 04/17/2024*
- 09/06/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1 DS-DE 160 EFF. 04/17/2024*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*I*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*F*
- 09/09/2024  SUMMONS - NOT SERVED  
Party: APPELLEE MARCUS, JULIE
- 09/09/2024  SUMMONS - NOT SERVED  
Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*1- STATEWIDE VOTE BY MAIL BALLOT REQUEST FORMS/AFFIDAVITS*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER


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**CASE SUMMARY**  
**CASE NO. 24-003995-CI**


*G- CONFIGURATION REPORT*


- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*H- CORRESPONDENCE RE: DS200 MISREPRESENTATION*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*J- FLORIDA VOTING SYSTEM STANDARDS*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*K- ONLINE ARTICLE RE: BLANK BALLOT*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*L- STATUTORY OVERVIEW*
- 09/09/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*M- AFFIDAVIT OF CHRISTOPHER GLEASON*
- 09/09/2024  SUMMONS - SERVED  
Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD  
*09092024*
- 09/09/2024  SUMMONS - SERVED  
Party: APPELLEE MARCUS, JULIE  
*09092024*
- 09/09/2024  EXHIBIT  
*A-B - PRELIMINARY REPORT; PUBLIC RECORDS REQUEST REPLIES*
- 09/09/2024  EXHIBIT  
*C-E - ELECTION SYSTEMS REPORTS; PRELIMINARY REPORT ON MARYLAND ELECTIONS BLANK BALLOTS; COPIES OF EMAILS RE PUBLIC RECORDS REQUESTS*
- 09/09/2024  EXHIBIT  
*F - EMAIL RE PUBLIC RECORDS REQUEST*
- 09/09/2024  EXHIBIT  
*N - LETTER RE RECORDS STATUS OF COPYRIGHTED VOTING SYSTEM MANUALS*
- 09/09/2024  EXHIBIT  
*O - EMAILS RE VERBAL PUBLIC RECORDS REQUEST DATED 07022024*
- 09/09/2024  EXHIBIT  
*P - ARTICLE RE WHERE DID ALL THE 100% BLANK BALLOTS CAST IN PINELLAS COUNTY GO PART I*
- 09/09/2024  EXHIBIT  
*Q - PUBLIC RECORDS REQUEST EMAIL DATED 07022024*





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09/09/2024  EXHIBIT  
*R - ARTICLE FROM TAMPA BAY TIMES RE PINELLAS SUPERVISOR RACE*


09/09/2024  EXHIBIT  
*S - PRIMARY ELECTION WAYS TO VOTE*


09/09/2024  EXHIBIT  
*U - EMAIL DATED 08052024 RE PUBLIC RECORDS REQUEST*


09/09/2024  EXHIBIT  
*T - OFFICIAL SAMPLE BALLOT WITH EARLY VOTING INFORMATON*


09/10/2024  NOTICE OF APPEARANCE  
Party: APPELLEE MARCUS, JULIE  
*AND EMAIL DESIGNATION*


09/10/2024  NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILE


09/10/2024  NOTICE OF APPEARANCE  
Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD  
*AND DESIGNATION OF EMAIL ADDRESS*


09/11/2024  CLERK DENIAL OF CONFIDENTIAL INFORMATION


09/13/2024  MOTION TO DETERMINE CONFIDENTIALITY OF CT RECD  
Party: ATTORNEY KAHN, JARED D, ESQ


09/13/2024  MOTION  
Filed by: APPELLEE MARCUS, JULIE  
*FOR ORDER RELATED TO PLAINTIFFS FILING OF SENSITIVE INFORMATION IN VIOLATION OF 2.425*


09/13/2024  EXHIBIT  
*A - GOVERNMENT SERVICES AND FACILITIES SECTOR - ELECTION INFRASTRUCTURE SUBSECTOR CHARTERS AND MEMBERSHIP*

09/13/2024  EXHIBIT  
*B - STATEMENT BY SECRETARY JEN JOHNSON*

09/13/2024  EXHIBIT  
*C - FLORIDA DEPARTMENT OF STATE MEMORANDUM DATED JUNE 2 2023*

09/16/2024  NOTICE OF HEARING  
*09192024 1:30*

09/18/2024  MOTION TO DISMISS  
Party: APPELLEE MARCUS, JULIE  
*AND ANSWER AND DEFFENSES*

09/19/2024  ANSWER-AFFIRMATIVE DEFENSES OF  
Party: APPELLEE PINELLAS COUNTY CANVASSING BOARD  
*AND MOTN TO DISMISS*

SECTION 7  
**CASE SUMMARY**  
CASE NO. 24-003995-CI

09/19/2024  MOTION  
Filed by: APPELLANT GLEASON, CHRISTOPHER  
*TO DISQUALIFY JUDGE PATRICIA MUSCARELLA (VERIFIED)*

09/19/2024  ORDER DENYING  
*PLTFS VERIFIED MTN TO DISQUALIFY JUDGE PATRICIA MUSCARELLA*

09/19/2024  NOTICE OF HEARING  
*10012024 12:00 AND 10022024 12:00*

09/20/2024  PROPOSED ORDER UNSIGNED

09/20/2024  RESPONSE IN OPPOSITION TO  
*DEFENDANTS MOTION TO DETERINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS ETC*

09/20/2024  EXHIBIT  
*B - PUBLIC NOTICE WITH ATTACHMENTS*

09/20/2024  EXHIBIT  
*A - SOCIAL MEDIA*

09/20/2024  EXHIBIT  
*C - BUSINESS PROPOSAL*

09/20/2024  ORDER TO DETERMINE CONFIDENTIALITY OF COURT RECORD  
*GRANTED*

09/23/2024  MOTION  
Filed by: APPELLANT GLEASON, CHRISTOPHER  
*TO SHOW CAUSE REGARDING SEALING OF EXHIBITS*

09/23/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*A - CONFIDENTIALITY OF COURT RECORDS SEALING*

09/23/2024  EXHIBIT  
Party: APPELLANT GLEASON, CHRISTOPHER  
*E - LETTER OF CORRESPONDENCE 1222023 WITH ATTACHMENTS*















09/23/2024  PROPOSED ORDER UNSIGNED

09/24/2024  AMENDED NOTICE OF HEARING  
*10012024 12:00 IN PERSON*

09/27/2024  REPLY  
*TO RESPONSE CONTAINED WITHIN DOCKET 52 AND DOCKET 58*

10/01/2024  AFFIDAVIT  
*OF CHRISTOPHER GLEASON RE CHAIN OF CUSTODY ETC WITH ATTACHMENTS*

SECTION 7  
**CASE SUMMARY**  
**CASE NO. 24-003995-CI**

10/01/2024	 NOTICE OF CANCELLATION <i>OF HEARING 10022024 12:00</i>	
10/03/2024	 REQ COURT TO CONSIDER MTN - WRITTEN SUBMISSIONS WITHOUT HRG	
10/17/2024	 CASE MANAGEMENT STATUS ORDER	
10/21/2024	 MOTION Filed by: APPELLANT GLEASON, CHRISTOPHER <i>FOR RECUSAL DISQUALIFICATION OF JUDGE PATRICIA MUSCARELLA            (RENEWED)</i>	
10/22/2024	CIVIL - CASE DISMISSED - AFTER HEARING Amount: 0.00	
10/22/2024	 ORDER DENYING <i>PLNTFS RENEWED MOTION</i>	
10/22/2024	 ORDER GRANTING <i>DEFS MOTION TO DISMISS WITH PREJUDICE</i>	
11/21/2024	CASE REOPENED	
11/21/2024	 NOTICE OF APPEAL Party: APPELLANT GLEASON, CHRISTOPHER <i>WITH COPY OF ORDER BEING APPEALED</i>	
11/21/2024	 NOTICE OF APPEAL RECORDED	<i>Vol./Book 22993,            Page 1225, 9 pages            Instrument#            2024303579</i>
11/21/2024	 MOTION Filed by: APPELLEE MARCUS, JULIE <i>FOR COSTS</i>	
11/21/2024	 REQ COURT TO CONSIDER MTN - WRITTEN SUBMISSIONS WITHOUT HRG	
11/22/2024	 LETTER FROM CLERK RE APPEAL NOTICE TO DCA	
11/22/2024	 LETTER FROM 2ND DCA RE ASSIGN APPEAL NO. <i>2D2024-2688</i>	
11/22/2024	 DCA ORDER FILING FEES DUE <i>WITHIN 40 DAYS FROM THE DATE OF THIS ORDER 2D2024-2688</i>	
12/04/2024	 CERTIFICATE OF CLERK RE NON PAYMENT <i>\$111.00 2D2024-2688</i>	

DATE	FINANCIAL INFORMATION	
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<b>APPELLANT GLEASON, CHRISTOPHER</b> Total Charges	531.00
Total Payments and Credits	531.00
<b>Balance Due as of 12/20/2024</b>	<b>0.00</b>

SECTION 7  
**CASE SUMMARY**  
CASE NO. 24-003995-CI

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

**Christopher Gleason,**  
Candidate for  
Supervisor of Elections,  
Pinellas County, Elector,  
Citizen, and Taxpayer,

Plaintiff,

vs.

Case No.: 24-3995-CI  
**PRIORITY HEARING REQUESTED  
PER FLA. STAT. § 102.168**

**Julie Marcus,**  
**in her official capacity**  
**as Supervisor of Elections for Pinellas County,**  
**in her capacity as incumbent candidate for**  
**Supervisor of Elections, Pinellas County**

and **Pinellas County Canvassing Board,**

Defendants.

**VERIFIED COMPLAINT TO CONTEST ELECTION BASED ON FRAUD, OFFICIAL  
MISCONDUCT, ILLEGAL REQUESTING OF VOTE-BY-MAIL BALLOTS,  
CONCEALMENT OF PUBLIC RECORDS, AND VIOLATION OF LEGAL  
REQUIREMENTS FOR VOTE-BY-MAIL BALLOTS**

Plaintiff, Christopher Gleason, pursuant to § 102.168, Florida Statutes, and other applicable law, files this Verified Complaint to Contest the Election held on August 20, 2024 in Pinellas County, Florida, and alleges as follows:

**INTRODUCTION**

This action challenges the integrity of the election process in Pinellas County, Florida, based on substantial evidence of fraud, official misconduct, illegal requesting and distribution of vote-by-mail ballots, and violations of legal requirements governing such ballots, the administration of the

election with electronic voting systems connected to the internet via wireless modems which resulted in the EAC Certification being void in its entirety. The administering of elections with electronic voting systems that do not meet the Florida statutory requirements for accuracy (1 Error in 1,000,000 Occurrences). The administration of the election night results reporting using VR Systems Inc, resulting in a statewide crash due to massive misfeasance, malfeasance and neglect of duty in securing the technology used in the tabulation and reporting of ballots cast by voters. Plaintiff seeks to disqualify all 219,675 vote-by-mail ballots requested on June 23, 2024, and all 22,011 vote-by-mail ballots sent to undeliverable addresses or to voters who no longer resided at those addresses but were returned and counted. Plaintiff seeks to invalidate the election in its entirety and hold a new election without the illegal vote by mail ballots, and the voting systems that had void certifications and exceeded the maximum allowable error rates required under Florida Statute. Such pervasive and systemic violations of law mandate judicial intervention to ensure the integrity of the electoral process.

#### **JURISDICTION AND VENUE**

1. On August 20, 2024, the Primary Election was held.
2. This is an action to contest the election of Pinellas County Supervisor of Elections in Pinellas County, Florida, pursuant to § 102.168, Florida Statutes.
3. This Court has jurisdiction over this matter pursuant to Article V, Section 5 of the Florida Constitution and § 102.1685, Florida Statutes.
4. Venue is proper in Pinellas County, Florida, as the acts and omissions complained of occurred in Pinellas County, and the defendants are officials of Pinellas County.

5. **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.**

6. The Canvassing Board is assembled under §102.141, Fla. Stat., and performs important duties related to vote-counting, vote-ascertaining, and certifying the results of elections for Pinellas County under the Florida Election Code. The Canvassing Board is a necessary and indispensable party to an action, including this one, under § 102.168, Fla. Stat.

7. Under § 102.168(1), Fla. Stat., this Court has jurisdiction over this election contest, while §102.168(4) requires that this election contest be brought against both Marcus and the Canvassing Board.

8. Any candidate, qualified elector, or taxpayer presenting such a contest to a circuit judge is entitled to an immediate hearing. However, the court in its discretion may limit the time to be consumed in taking testimony, with a view therein to the circumstances of the matter and to the proximity of any succeeding election.

#### **PARTIES**

4. Plaintiff, Christopher Gleason, is a registered elector, citizen, taxpayer of Pinellas County, Florida, and a candidate for the office of Supervisor of Elections in the 2024 primary election.

5. Defendant, Julie Marcus, is the Supervisor of Elections for Pinellas County, Florida, responsible for overseeing the conduct of elections in the county, and the incumbent candidate for

Supervisor of Elections for Pinellas County also on the ballot in the August 20, 2024 Primary Election.

6. Defendant, Pinellas County Canvassing Board, is the entity responsible for canvassing the election returns in Pinellas County and certifying the results.

### **THE ELECTION**

7. The vote results, aggregating votes made on the election day, early vote and vote-by-mail purportedly show Marcus defeating Gleason by 133,141 to 24,937 votes. **See Exhibit A**

8. The Canvassing Board met on August 23, 2024 and confirmed this final vote tally. On this basis, the Canvassing Board certified Marcus as the winner of the Seat and, upon information and belief, issued a certificate to Marcus under § 102.155, Fla. Stat, that certifies Marcus as the winner of the seat.

### **FACTUAL ALLEGATIONS**

#### **Illegal Requesting and Issuance of Vote-by-Mail Ballots**

9. According to official election records that the Pinellas County Supervisor of elections 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.

10. Fla. Stat. § 101.62 mandates that vote-by-mail ballot requests must be made by the voter or an immediate family member designated by the voter.

11. According to Fla. Stat. § 101.62 there are only three methods for a voter to request the vote-by-mail ballot: A request may only be made in person, in writing, by telephone, or through the supervisor's website. This statute requires strict compliance, as the Florida Supreme Court has



long held that any deviation from statutory requirements that affects the integrity of the ballot must be strictly scrutinized. In *Boardman v. Esteva*, 323 So. 2d 259, 269 (Fla. 1975), the Court emphasized that “[t]he purpose of the election laws is to ascertain the will of the people, and any substantial failure to comply with those laws that could affect the results of an election cannot be overlooked.” The Court further noted that even minor deviations from statutory requirements that compromise the integrity of the voting process must be scrutinized.

12. In the context of vote-by-mail ballots, Florida law is explicit in its requirements for requesting and processing such ballots. Under Fla. Stat. § 101.62, a vote-by-mail ballot request must be made by the voter or by an immediate family member or legal guardian on behalf of the voter. This statute mandates strict compliance, and any deviation from these requirements renders the ballots void as a matter of law.

13. The systemic issue of illegally requested and sent vote-by-mail ballots is a clear violation of the strict compliance standard established by the Florida Supreme Court. The unlawful ordering of 219,675 vote-by-mail ballots in Pinellas County on a day when the Supervisor of Elections' office was closed, and the subsequent use of these ballots, violates both Fla. Stat. § 101.62 and established case law, such as *Beckstrom v. Volusia County Canvassing Board*, 707 So. 2d 720 (Fla. 1998). In *Beckstrom*, the Court emphasized that election laws are to be strictly followed, particularly when dealing with absentee or vote-by-mail ballots, as any deviation could lead to the disenfranchisement of voters or the alteration of election outcomes.

14. It is mathematically impossible to claim that on Sunday June 23, 2024, so many Pinellas County voters (219,675) would suddenly decide to request a vote-by-mail ballot.

15. If the Pinellas County Supervisor of Elections Office was closed on 06/23/2024 as it was a Sunday, there is no way possible for voters to have made the request via telephone, or in person, in writing.

16. There is only one possible legal explanation available, this would be if all 219,675 Pinellas County voters decided to request their vote by mail ballots via the Pinellas County Supervisor of Elections website, via VR Systems Inc voter focus functionality all on the same day. If this was the case there would be a log available that shows each voter logging in and requesting their vote-by-mail ballot. This explanation is also mathematically impossible.

17. The only logical and feasible possible explanation is that either Julie Marcus and her co-conspirators requested these vote-by-mail ballots for all 219,675 Pinellas County voters or someone at VR Systems Inc requested these vote-by-mail ballots. In either case Fla Stat. § 101.62 and § 104.0616 are being violated willingly and knowingly in a widespread and systematic fraudulent manner.

18. Despite the clear statutory mandate of Fla. Stat. § 101.62, these 219,675 illegal requests were processed without proper verification, and the 219,675 illegally requested vote-by-mail ballots made on Sunday June 23, 2024 without the required statutory consent or knowledge of the voters. **See Exhibit B**

19. On or around July 16, 2024, approximately 234,733 vote by mail ballots were sent out to Pinellas County voters. This is according to the Florida Department of State, Division of Elections Statewide Vote By Mail Early Voting Report available for direct download for candidates at the following url:  
<https://countyballotfiles.floridados.gov/VoteByMailEarlyVotingReports/Reports> ,

20. Of the 219,675 illegally requested vote-by-mail ballots that were sent to Pinellas County Voters, there were 35,756 vote-by-mail ballots sent out to voters at mailing addresses where the registered voters no longer resided, to addresses that were classified as vacant or undeliverable as addressed or with some classification that guaranteed the voter would not receive the vote by mail ballot. This determination was via the United State Postal Service deliverability database and the National Change of Address Databases. **See Exhibit C**

21. These 35,756 undeliverable vote-by-mail ballots should have been returned to the Pinellas County Supervisor of Elections office by the United States Postal Service in accordance with the law and United States Postal regulations.

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

22. Subsequent Statewide Vote By Mail Early Voting Reports revealed that of the 35,756 the vote-by-mail ballots that were sent to addresses where the voters no longer resided at or were classified as vacant or undeliverable as addressed, many thousands ended up being shown as having been cast and counted in the vote-by-mail canvassing.

23. Shockingly, 22,011 of the 35,756 vote-by-mail ballots were fraudulently shown as cast and counted in the election, which is a direct violation of the principles established by the Florida Supreme Court in *Beckstrom v. Volusia County Canvassing Board*, 707 So. 2d 720 (Fla. 1998), which emphasized that strict compliance with statutory election procedures is essential to maintaining the integrity of the electoral process.

24. Furthermore, the subsequent Statewide Vote-By-Mail Early Voting Report shows 114,739 vote-by-mail ballots of the 219,675 illegally requested vote-by-mail ballots, being shown as counted and cast.

25. The 114,739 illegally requested vote-by-mail ballots and the 22,011 vote-by-mail ballots sent to addresses where the voters no longer resided or to undeliverable as addressed materially affected the outcome of every single race in the August 20, 2024 election and raises significant concerns about the accuracy and legitimacy of the election results.

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

26. Plaintiff as a qualified candidate for the office of Supervisor of Elections requested the detailed information related to all the vote by mail ballots that had been returned as undeliverable to the Pinellas County Supervisor of Elections Office. Defendant Julie Marcus and her co-conspirators unlawfully concealed and delayed these critical ballot chain of custody requests in an attempt to prevent the Plaintiff from being able to identify the fraudulently cast vote-by-mail ballots in a timely manner in order to obtain a significant benefit Defendant Julie Marcus and others. **See Exhibit D**

27. Plaintiff as a qualified candidate for the office Supervisor of Elections, as well as other affected Pinellas County voters made public records requests for the election records of the 219,675 illegally requested vote by mail ballots made on Sunday June 23, 2024 pursuant to Fla. Stat. 101.62, and Chapter 119. Again, Defendant Julie Marcus and her co-conspirators willfully, knowingly and unlawfully concealed and delayed these critical ballot chain of custody requests in an attempt to prevent the Plaintiff from being able to identify the fraudulently requested vote-by-mail ballots in order to benefit Defendant Julie Marcus and others. See attached sworn affidavits from Pinellas County Voters stating that they did not request vote by mail ballots to be sent to them on 06/23/2024 as was reported by Defendants Julie Marcus, Dustin Chase and Matt Smith. **See Exhibit E**

28. Plaintiff Gleason requested public records and official election records related to the chain of custody for the returned vote by mail ballots and for the illegally requested vote by mail ballots via the USPS and via Pinellas County Drop boxes. These requests too were willfully and knowingly concealed, delayed, or denied by the Defendant Julie Marcus, Supervisor of Elections and her co-conspirators. **See Exhibit F**

29. These election records have unlawfully been withheld from the Plaintiff in direct violation of 101.62, Chapter 119 and in violation of Fla. Stat. § 838.022, which criminalizes the falsification, concealment, delay or destruction of official records. The Florida Supreme Court has consistently held that such concealment violates the transparency required in the electoral process and further undermines public confidence in the election (*Gore v. Harris*, 772 So. 2d 1243 (Fla. 2000)).

30. The willful and knowing concealment, and unlawful delays by Defendants Julie Marcus, the Pinellas County Supervisor of Elections and her co-conspirators Dustin Chase and Matt Smith of these records has intentionally been used to impede the ability to verify the legality of the ballots cast, significantly compromising the transparency and integrity of the election.

31. This unlawful activity by Defendant Julie Marcus and her co-conspirators to knowingly and intentionally obtained a benefit for Defendant Julie Marcus and her co-conspirators and has caused significant unlawful harm to Pinellas County Electors, other Pinellas County Candidates for office, and taxpayers.

32. Through a conspiracy to obstruct, delay, and prevent the communication of information relating to the commission of no less than 219,675 individual felonies, that directly involves or affects the government entity served by the public servant or public contractor.

Defendant Julie Marcus has caused significant harm to Plaintiff, other Pinellas County electors and taxpayers and created a constitutional crisis that must be remedied by the court.

33. Defendants Julie Marcus, Dustin Chase, Matt Smith and their co-conspirators have engaged in this similar pattern of fraudulent activity and official misconduct over numerous election cycles beginning under her time as Deputy Supervisor of Elections going back as far as 2009.

34. Defendant Marcus and her co-conspirators have illegally administered elections beginning on 2009 on ES&S electronic voting systems that connect to the internet via modems. The connectivity of modems, network devices and FIPS modules to the ES&S Tabulators voided the United States Election Assistance Commission Certifications in their entirety. **See Exhibit G**

35. The Florida Election System certification depends upon the United States Election Assistance Commission (EAC) Certification. If the EAC certification is void in its entirety so is the Florida State Certification. **See Exhibit H**

36. The ES&S electronic voting systems do not meet the Federal standards for maximum allowable error rate of 1 error in 125,000 occurrences. **See Exhibit I**

37. The ES&S electronic voting systems do not meet the Florida standards of accuracy of 1 error in 1,000,000 occurrences. **See Exhibit J**

38. To conceal the evidence of the ES&S systems failure to meet minimum security standards and minimum accuracy standards Defendant Julie Marcus and her co-conspirators have unlawfully withheld, concealed and altered election records.

39. The use of uncertifiable voting systems, with certifications that were void in their entirety has effectively disenfranchised every single voter in Pinellas County Florida.

40. The ES&S voting systems, in use in Pinellas County since 2009 are responsible for the illegal adjudication of voters ballots as being 100% Blank when they were not in fact 100% Blank. **See Exhibit K**

41. This scheme to administer elections with these highly defective voting systems has created a Constitutional crisis where voters ballots and their votes have been deleted. These fraudulent actions have actually disenfranchised Pinellas County Voters and nullified the electors will and intent.

42. Defendant Julie Marcus and her co-conspirators have repeatedly and falsely claimed that a Blank Ballot is not a 100% Blank Ballot. Despite the fact that there is overwhelming and irrefutable evidence to the contrary. **See Exhibit K**

43. Defendant Julie Marcus and her co-conspirators have repeatedly and falsely claimed that a Blank Ballot is an "under vote ballot". This false statement made by Marcus and her co-conspirators is in direct conflict with numerous United States Election Assistance Commission Statutory Surveys, including the ones personally submitted by Maria Matthews the current Florida Director of Elections for the years 2012, 2014, and 2016. **See Exhibit L**

44. Defendant Julie Marcus and her co-conspirators altered official election reports to conceal the 100% Blank Ballot scheme that actually disenfranchised many thousands of Pinellas County Voters and Candidates during the 2018, 2020, 2022 and now 2024 elections. **See Exhibit**

**M**

45. Defendant Julie Marcus and her co-conspirators illegally withheld ES&S Operator Manuals using false declarations of copyright, trade secret claims or unreasonable special service charge fees and unreasonable delays of time. Despite there being a Florida Attorney General opinion AGO 2003-26 advising that the manuals were in fact public records open to inspection by the public. <https://www.myfloridalegal.com/print/pdf/node/2169> See **Exhibit N**

46. Defendant Julie Marcus and her co-conspirator also falsely claimed that the Machine Configuration Reports, Machine Logs and Audit logs were not subject to public records requests due to false claims and denials based on trade secrets, copyright and critical infrastructure exemptions to disclosure. See **Exhibit O**

47. Defendant Julie Marcus also conspired to hide public records regarding the administration of elections and ballot chain of custody in order to conceal the fraudulent activities and official misconduct of her and her co-conspirators.

48. Perhaps, one of the most egregious concealment, delays and unlawful refusals to provide elections records, was when during the 2020 election Defendant Julie Marcus conspired with Sheriff Bob Gualtieri to allow then candidate Bob Gualtieri and his deputies to take possession of the very same ballots that Bob Gualtieri and Julie Marcus were both candidates on. See **Exhibit P**

49. When Public records requests were made for the chain of custody documents for the Pinellas County Sheriff and his deputies taking possession of ballots and the delegated legal authority for candidates for office to handle the very same ballots that they were candidates Defendant Marcus claimed that there were no responsive records. See **Exhibit Q**



50. Defendant Julie Marcus and her co-conspirators made numerous false and malicious statements to the Tampa Bay Times about Gleason and the statutory definition of what a 100% Blank Ballot was, labeling Gleason as an “Election Denier”, and claiming that Gleason’s claims were debunked and categorically false. **See Exhibit R**

51. Defendant Julie Marcus unlawfully used public funds to help promote her campaign via advertising in publications to get out the vote and to sign up to receive a vote-by-mail ballot. Then concealed and delayed the costs related to the production of, mailing of and mailing of these electioneering material paid solely with Pinellas County Taxpayer fund. **See Exhibit S**

52. Defendant Julie Marcus unlawfully used public funds to corruptly promote her candidacy by sending out sample ballots to Pinellas County Voters with a VOTE logo, next to a picture of Julie Marcus, then her name, the Supervisor of Elections. This unlawful use of Public Funds and resources is particularly egregious due to the total expenditure of taxpayer funds for marketing her campaign. **See Exhibit T**

53. Defendant Julie Marcus and her co-conspirators then unlawfully concealed and delayed these expenditures made with public funds that she used to market her campaign using “Official Election Mail”. **See Exhibit U**

54. For numerous years Marcus had previously falsely claimed that the ES&S voting systems were not connected to the internet. After whistleblowers came forward and provided evidence that they did have modems and they were connected to the internet Marcus retaliated against the whistleblowers.

55. On election night the ES&S voting systems “were connected” to the internet via wireless modems to transmit election results.

56. VR Systems Election Night Reporting systems all went down resulting in a statewide crash of election results of most Florida counties.

57. The Pinellas County Canvassing Board and Julie Marcus the incumbent Supervisor of Elections rushed to certify the election results before an investigation of the VR Systems Inc failures related to election night reporting of results and an investigation into the 219,675 illegally made requests for vote-by-mail ballots also made via VR Systems Inc on Sunday June 23, 2024 a day that no requests for vote-by-mail ballots could be made other than by the same Pinellas County Supervisor of Elections website that was provided by VR Systems Inc as part of their contracts with the Pinellas County Supervisor of Elections Office.

58. Defendant Julie Marcus knowingly and willingly allowed non-US Citizens to register to vote in Pinellas County Elections by intentionally not verifying if these newly registered voters were in fact United States citizens. violating her Constitutional duty to ensure only US Citizens were being registered to vote.

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

59. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

60. The unauthorized requesting and issuance of 219,675 vote-by-mail ballots, subsequently then returned, cast and counted votes on the 114,739 illegally requested, vote-by-mail ballots, as well as the 22,011 undeliverable ballots, that also were reflected as being returned, cast and counted, then the conspiracy to delay and conceal related public records/election records documenting the unlawful requests constitute fraud under § 102.168(3)(a), Florida Statutes.

**Section 104.047, Florida Statutes:** Governs fraudulent acts related to absentee ballots, including

the illegal possession and marking of ballots. “[W]hen there is present fraud and intentional wrongdoing, which clearly affect the sanctity of the ballot and the integrity of the election process, courts must not be reluctant to invalidate those elections to ensure public credibility in the electoral process.” (*See Bolden v. Potter (1984) 452 So. 2d 564, 566.*)

61. These fraudulent actions violated **Section 104.047, Florida Statutes** which governs fraudulent acts related to absentee ballots, including the illegal possession and marking of ballots. Violations under this statute are felonies, making them a crucial point in challenging election results, directly impacted the integrity of the election, rendering the results unreliable and void. The number of illegal ballots cast far exceeds the margin of victory, which necessitates judicial intervention to protect the sanctity of the electoral process.

62. “Chapter 104 by the 1951 enactment, makes unlawful a variety of acts which subvert the elective process, e.g., false swearing, fraud in connection with casting a vote, corruptly influencing voters, illegal voting, and any act by an official who wilfully and fraudulently violates any of the provisions of the election code.” (*See State v. Brown (1974) 298 So. 2d 487, 489.*)

“Section 104.041, Florida Statutes...forbids fraudulent conduct in connection with any vote...” (*See Trushin v. State (1980) 384 So. 2d 668, 678.*)

“The offense against the purity of elections and good morals would be just as flagrant if, by means of money, one should induce another who was not registered to fraudulently cast a vote to which he was not entitled, as if the corrupted voter was duly entitled to vote.” (*See id; State v. McCrocklin (1917) 186 Ind. 277, 115 N.E. 929.*)

“It is possible that one who has not registered may, by assuming to be a person whose name appears upon the list, fraudulently induce the election managers to allow him to vote, and certainly, if he was induced to vote this fraudulent ticket by the use of money, he who induced him to commit this double crime would come as much in the purview of the statute as one who corrupted the franchise of a voter duly registered.” (See *id.*)

63. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all 219,675 vote-by-mail ballots requested on June 23, 2024, all 114,739 illegally requested and returned, cast and counted vote by mail ballots, and all 22,011 ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were returned as being cast. **State ex rel Whitley v. Rhinehart, 192 So. 818 (Fla. 1939)**: This case supports the principle that absentee voting laws, being in derogation of common law, must be strictly construed. This would argue against any leniency or substantial compliance in cases involving absentee ballots.

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

64. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

65. The actions of the Supervisor of Elections in authorizing or failing to prevent the unauthorized requesting and subsequent issuance of illegal vote-by-mail ballots, the counting of fraudulently cast undeliverable ballots, and the concealment of related chain of custody records constitute official misconduct under § 102.168(3)(b), and 838.022 Florida Statutes.

66. The official misconduct materially affected the election results, requiring the election to be set aside. The Florida Supreme Court’s decision in *Beckstrom v. Volusia County*

*Canvassing Board* confirms that strict compliance with election laws is not optional but mandatory, particularly when such violations have the potential to alter the election outcome.

67. Plaintiff seeks an order from this Court declaring the election results void and ordering a new election for the offices contested in the August 20, 2024 election.

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

68. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

69. The issuance of 219,675 vote-by-mail ballots without proper requests, including those made by unauthorized individuals, violates § 101.62 and § 104.0616, Florida Statutes, and constitutes an illegal act that affected the outcome of the election.

70. The strict compliance standard articulated by the Florida Supreme Court in *Boardman v. Esteva* mandates that such illegal activities invalidate the affected ballots and any election results based on them. **State ex rel Whitley v. Rhinehart, 192 So. 818 (Fla. 1939)**: supports the principle that absentee voting laws, being in derogation of common law, must be strictly construed. This would argue against any leniency or substantial compliance in cases involving absentee ballots. **Spradley v. Bailey, 292 So. 2d 27 (Fla. 1st DCA 1974)**: Reinforces the notion that strict compliance with absentee voting requirements is mandatory. Any deviations from statutory mandates in the processing of absentee ballots could be grounds for invalidation of those ballots.

71. Sections 104.041 and 104.051 of the Florida Statutes governs fraud in connection with casting a vote. The rule states that “[a]ny person perpetrating or attempting to perpetrate or aid in the perpetration of any fraud in connection with any vote cast, to be cast, or attempted to

be cast, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” (See Fla. Stat. § 104.04.)

72. “Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.” (See Fla. Stat. § 104.05.)

73. Plaintiff seeks an order from this Court disqualifying all 219,675 vote-by-mail ballots requested on June 23, 2024, and declaring the election results void.

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

74. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

75. The willful, knowing, intentional delay, concealment, removal, alteration, and/or destruction of official public records related to elections by the Defendant Julie Marcus and her co-conspirators. This conspiracy to knowingly and intentionally obtain a benefit for themselves, and cause unlawful harm to Plaintiff, as a candidate for office, other candidates for office, all Pinellas County electors and Pinellas County taxpayers by concealing, covering up destroying, mutilating or altering any official record or official document, and obstructing, delaying, and preventing the communication of information relating to the commission of a felony that directly involves or affects the government entity served by the public servant or public contractor, constitutes prima facie evidence of the violation of § 838.022, Florida Statutes titled Bribery – Official Misconduct, and a clear violation of 52 U.S. Code § 20702 - Theft, destruction, concealment, mutilation, or alteration of records or papers; penalties

76. This concealment was willingly, knowingly and intentionally done with the intent to obstruct the investigation into the illegal issuance and fraudulent casting of ballots, directly impacting the outcome of the election. The Florida Supreme Court in *Gore v. Harris* emphasized

the need for transparency and the unlawful nature of such concealment. *Gadd v. News-Press Publishing Co.*, 412 So 2d 894 (Fla. 2d DCA 1982); underscores that the intentional misrepresentation to obstruct access to public records constitutes unlawful concealment and misconduct. This misrepresentation of the time to produce records in this case aligns with the misconduct identified in Gadd.

77. The unlawful refusals, concealment and delays of information related to chain of custody of vote-by-mail ballots has materially impacted the outcome of the election and has harmed the Plaintiff, other candidates for office and the electors of Pinellas County.

78. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all ballots associated with the concealed records and all ballots tabulated using uncertifiable voting systems, which were connected to the internet via a wireless modem or network device which voided the EAC certification for the voting system in its entirety.

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

79. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

80. The fraudulent casting of 22,011 ballots that had been returned as undeliverable constitutes a serious violation of Florida election laws, undermining the integrity of the election. The Florida Supreme Court has held that such systemic violations justify the voiding of affected ballots (*Beckstrom v. Volusia County Canvassing Board*). The fraudulent actions materially affected the outcome of the election, requiring judicial intervention to ensure the accuracy and fairness of the election results. It is well settled that “§ 104.041 includes within its proscriptions attempts to perpetrate the prohibited conduct. Thus whether or not the ballot was valid, one can be

guilty of an attempt to perpetrate a fraud prohibited by the statute.” (*See Trushin v. State (1980) 384 So. 2d 668, 678.*)

81. Plaintiff seeks an order from this Court declaring the election results void and disqualifying all 219,696 illegally requested vote -by-mail ballots and 22,011 vote-by-mail ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were fraudulently returned as being cast.

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

82. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

83. Defendant Julie Marcus and her co-conspirators have not conducted proper voter roll maintenance, and have allowed non-US Citizens to register to vote by not verifying that every voter on the voter roll is in fact a US Citizen. This is a clear violation of her Constitutional duty and a clear violation of numerous provisions of **HAVA (Help America Vote Act), 52 U.S. Code § 20507.**

84. Any official who performs his or her duty as prescribed by this election code fraudulently or corruptly is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

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

85. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.



86. Defendant Julie Marcus, has knowingly and willingly administered elections, using voting systems, that were connected to the internet via wireless modems, voiding the United States Elections Assistance Commission certification in its entirety.

87. Defendant Julie Marcus knowingly and willingly administered elections using electronic voting systems that illegally adjudicated voters ballots as being 100% Blank, in such scope and scale that it materially impacted every election that she administered. Defendant Julie Marcus also conspired to conceal and delay the communication of this information in a manner that prevented the communication of information related to the commission of felonies being committed within the Pinellas County Supervisor of Elections Office, a clear violation of Fla. Stat. 838.022(c).

88. Defendant Julie Marcus repeatedly misrepresented the facts about these activities to the public and to the voters of Pinellas County Florida.

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

89. Plaintiff re-alleges and incorporates by reference the allegations in paragraphs 1 through 58 as if fully set forth herein.

90. **Fla. Stat. 104.31(2)** restricts certain political activities by public officers, employees, and candidates, such as using their authority to influence elections. Violations of this statute, involving election officials using their office to interfere with the election process, are considered "misconduct."

91. **Fla. Stat. 106.113(1)** prohibits local governments from spending public funds to promote or oppose any candidate or ballot measure. Defendant Julie Marcus, Supervisor of Elections engaged in this activity, and directly violated this statute and constitutes "misconduct"

under **Fla. Stat. 102.168**, by sending out Sample Ballots that clearly and prominently were printed saying VOTE: Julie Marcus Supervisor of Elections and were used as electioneering/campaign marketing materials in such a manner in which these marking/electioneering materials affected the election outcome.

92. Defendant Julie Marcus Supervisor of Elections' violations of these statutes involved exerting undue influence over the election, altering the electoral process, and engaged in activity that lead to biased results, indeed serve as valid grounds for an election challenge based on "misconduct."

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff, Christopher Gleason, respectfully requests that this Court:

1. Take jurisdiction over this matter and grant Plaintiff a hearing on this Complaint;
2. Declare the results of the August 20, 2024 election in Pinellas County, Florida, void due to fraud, official misconduct, illegal requesting of vote-by-mail ballots, the concealment of public records, the fraudulent casting of ballots returned as undeliverable, the use of uncertifiable voting systems that connected to the internet via wireless modems and network devices that voided the voting systems certifications in their entirety, and the cyber security issues related to the reporting of election data and election results by VR Systems Inc massive failure in every Florida County that they served.
3. Disqualify all 219,675 vote-by-mail ballots requested on June 23, 2024, and all 22,011 vote-by-mail ballots that were sent to undeliverable addresses or to voters who no longer resided at those addresses yet were returned as being cast;

4. Cancel any illegally requested vote by mail ballots, made by Defendant Julie Marcus and her co-conspirators, and ensure that strict compliance with Fla Stat. 101.62 is in place going forward.

5. Order a new election for the offices contested in the August 20, 2024 election; to be administered on one day, with no early voting or vote-by-mail ballots, and manual hand count of all paper ballots cast.

6. Grant Plaintiff an award of attorneys' fees and costs, if applicable; and

7. Grant such other and further relief as this Court deems just and proper.

#### VERIFICATION

I, Christopher Gleason, verify under penalty of perjury that the facts stated in this Verified Complaint are true and correct to the best of my knowledge and belief.

Dated this 5th day of September, 2024.



/s/ Christopher Gleason

Christopher Gleason

1628 Sand Key Estates Court

Clearwater, FL 33767

727-480-2059

gleasonforpinellas@gmail.com

ProSe

#### CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been furnished by process server to Julie Marcus and the Pinellas County Canvassing Board this 5<sup>th</sup> day of September 2024.

Christopher Gleason

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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.

---

**NOTICE OF APPEARANCE AND DESIGNATION OF EMAIL ADDRESS**  
**PURSUANT TO RULE 2.516**

The undersigned attorney, JARED D. KAHN, hereby files this Notice of Appearance as counsel of record for Defendant, **Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections**, in the above-styled cause of action and requests that all future pleadings, correspondence and any and all communication be directed to the undersigned.

Furthermore, pursuant to Florida Rule of Judicial Administration 2.516, the undersigned attorney hereby designates the following primary and secondary email addresses for service:

**Primary Email Address: [jkahn@pinellas.gov](mailto:jkahn@pinellas.gov)**

**Secondary Email Address: [eservice@pinellas.gov](mailto:eservice@pinellas.gov)**

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through email to **CHRISTOPHER GLEASON, PRO SE**, Plaintiff at [gleasonforpinellas@gmail.com](mailto:gleasonforpinellas@gmail.com), [cpgleason72@gmail.com](mailto:cpgleason72@gmail.com) and [immutabletruth@protonmail.com](mailto:immutabletruth@protonmail.com) on the 10<sup>th</sup> day of September 2024.

*/s/ Jared D. Kahn*

JARED D. KAHN

Florida Bar Number 105276

Senior Assistant County Attorney

Pinellas County Attorney's Office

315 Court Street, Sixth Floor

Clearwater, FL 33756

Phone: (727) 464-3354 / Fax: (727) 464-4147

Primary e-mail address: [jkahn@pinellas.gov](mailto:jkahn@pinellas.gov)

Secondary e-mail address: [eservice@pinellas.gov](mailto:eservice@pinellas.gov)

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

PCAO 489341

IN THE (NAME OF COURT).....,  
FLORIDA

CASE NO.: 24-003995-CI

CHRISTOPHER GLEASON  
Plaintiff/Petitioner,

v.

JULIE MARCUS, et al  
Defendant/Respondent. /

**NOTICE OF CONFIDENTIAL INFORMATION WITHIN COURT FILING**

Pursuant to Florida Rule of Judicial Administration 2.420(d)(2), I hereby certify:

1) I am filing herewith a document containing confidential information as described in Rule 2.420(d)(1)(B) and that:

(a) The title/type of document is \_\_\_\_\_, and :

(b)  the entire document is confidential, or

( ) the confidential information within the document is precisely located at :

\_\_\_\_\_.

OR

2) A document was previously filed in this case that contains confidential information as described in Rule 2.420(d)(1)(B), but a Notice of Confidential Information within Court Filing was not filed with the document and the confidential information was not maintained as confidential by the clerk of the court. I her[e]by notify the clerk that this confidential information is located as follows:

(a) Title/type of document: Exhibit G- Configuration Report \_\_\_\_\_;

(b) Date of filing (if known): 9/9/24 \_\_\_\_\_;

(c) Date of document: 9/9/24 \_\_\_\_\_;

(d) Docket entry number: 18 \_\_\_\_\_;

(e)  Entire document is confidential, or

Precise location of confidential information in document: \_\_\_\_\_

Page 2 of 27

  
Filer's Signature

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was furnished by (e-mail) (delivery) (mail) (fax) on: (All parties and Affected Non-Parties. Note: If the name or address of a Party or Affected Non-Party is confidential DO NOT include such information in this Certificate of Service. Instead, serve the State Attorney or request Court Service. See Rule 2.420(k))

September \_\_\_\_\_, on 10 \_\_\_\_\_, 20 24

Name Jared Kahn  
Address 315 Court Street Clearwater FL  
Phone 727-464-3354  
Florida Bar No. (if applicable) 105276  
E-mail address jkahn@pinellas.gov

Note: The clerk of court shall review filings identified as containing confidential information to determine whether the information is facially subject to confidentiality under (d)(1)(B). The clerk shall notify the filer in writing within 5 days if the clerk determines that the information is NOT subject to confidentiality, and the records shall not be held as confidential for more than 10 days, unless a motion is filed pursuant to subdivision (d)(3) of the Rule. Fla. R. Jud. Admin 2.420(d)(2).

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.,

Defendant.

---

**NOTICE OF APPEARANCE AND DESIGNATION OF EMAIL ADDRESS**  
**PURSUANT TO RULE 2.516**

The undersigned attorney, **JEFFREY KLEIN**, hereby files this Notice of Appearance as counsel of record for Defendant, **Pinellas County Canvassing Board**, in the above-styled cause of action and requests that all future pleadings, correspondence and any and all communication be directed to the undersigned.

Furthermore, pursuant to Florida Rule of Judicial Administration 2.516, the undersigned attorney hereby designates the following primary and secondary email addresses for service:

**Primary Email Address:** [jklein@pinellas.gov](mailto:jklein@pinellas.gov)

**Secondary Email Address:** [eservice@pinellas.gov](mailto:eservice@pinellas.gov)

**CERTIFICATE OF SERVICE**

I **HEREBY CERTIFY** that the foregoing document was filed with the Clerk of the Circuit Court by using the Florida Courts E-Filing Portal and simultaneously served through email to **CHRISTOPHER GLEASON, PRO SE**, Plaintiff at [gleasonforpinellas@gmail.com](mailto:gleasonforpinellas@gmail.com), [cpgleason72@gmail.com](mailto:cpgleason72@gmail.com) and [immutabletruth@protonmail.com](mailto:immutabletruth@protonmail.com) on the 10th day of September 2024.

/s/ Jeffrey N. Klein

JEFFREY N. KLEIN

Florida Bar Number 1025117

Assistant County Attorney

PINELLAS COUNTY Attorney's Office

315 Court Street, 6<sup>th</sup> Floor

Clearwater, FL 33756

Tel: 727-464-3354 Fax: 727-464-4147

Primary: [JKlein@pinellas.gov](mailto:JKlein@pinellas.gov)

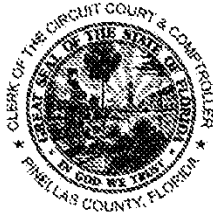
Secondary: [eservice@pinellas.gov](mailto:eservice@pinellas.gov)

Attorney for Defendant, Pinellas County

Canvassing Board

PCAO 489513





**KEN BURKE**

CLERK OF THE CIRCUIT COURT AND COMPTROLLER  
PINELLAS COUNTY, FLORIDA

CIVIL COURT RECORDS  
[www.mypinellasclerk.org](http://www.mypinellasclerk.org)

Clerk of the Circuit Court  
Recorder of Deeds  
Clerk and Associates of the Board of County Commissioners  
Custodian of County Funds  
County Auditor  
Clerk of the Water and Navigation District Authority

315 Court Street, Room 179  
Clearwater, FL 33756-5165  
Telephone: (727) 464-7000

JARED D KAHN ESQ  
PINELLAS COUNTY ATTORNEYS OFFICE  
315 COURT ST 6TH FL  
CLEARWATER FL 33756  
jkahn@pinellas.gov

9/11/2024  
CHRISTOPHER GLEASON  
Vs.  
JULIE MARCUS, et al

REF: 24-003995-CI

Re: Notice of Confidential Filing

Our office has received your "Notice of Confidential Information within Court Filing" in the above case. Pursuant to Rule 2.420(d), Florida Rules of Judicial Administration, we have reviewed this form and the information you identified;

We have determined that the information is not subject to confidentiality.  
EXHIBIT G - PG 2

The Notice does not identify the "precise location of the confidential information..." (Rule 2.420 (d)(2)). This letter is to advise you that because you did not specify the precise location of the confidential information (specific line items on pages, entire document). Please resubmit the Notice and provide the specificity required, and we will handle the document you previously submitted to us accordingly.

The notice has items listed that are not subject to confidentiality per Fla. R. Jud. Admin Rule 2.425.

The requested action cannot be taken because the pleading has not been filed. Please resubmit the Notice of Confidential filing when you file the pleading.

Other:

We will maintain the information as confidential for 10 days from the date noted above. If you do not file a "Motion to Determine Confidentiality of Court Records" within the 10 days, **the information will become public on the 11th day.** If you need assistance with a motion/order to determine confidentiality, you may find these forms on our website or in our office.

Very truly yours,

**KEN BURKE**  
Clerk of the Circuit Court and Comptroller

By: /S/ Meagan Collins  
Deputy Clerk

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

CHRISTOPHER GLEASON  
Plaintiff,

v.  
JULIE MARCUS  
Defendant.

Case #: 24-003995-CI

MOTION TO DETERMINE THE CONFIDENTIALITY OF TRIAL COURT RECORDS

The undersigned, by and through his/her attorney, moves the Court pursuant to Florida Rule of Judicial Administration 2.420 for an order determining the confidentiality of court records.

a. The undersigned's attorney has given written notice of the subject motion to all affected non-parties N/A, and filed copies of the notice provided. The notice identified this case by docket number; described the confidential information with as much specificity as possible without revealing the confidential information, including the "precise location" of the information in the file/record; and advised that if the motion is denied by the court then the subject material will not be treated as confidential by the Clerk.

b. The particular court records or portion of a record that the movant seeks to have determined as confidential are:

Docket entry #18 pages 2 and 4 of 27 filed 09/09/2024 as exhibit G Configuration Report

c. The movant seeks an order sealing the following information relative to this case: *[select all that apply]*

- the party's name on the progress docket.
- particular documents within the court file, specifically Docket entry #18 pages 2 and 4 of 27 filed 09/09/2024 as exhibit G Configuration Report
- the entire court file, but not the progress docket.
- the entire court file and the progress docket.

d. The legal basis for determining the court records to be confidential is: Florida Rule of Judicial Administration 2.420, Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d)

e. The specific legal authority and applicable legal standards for determining such court records to be confidential are: Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d). See Exhibit A, Exhibit B and Exhibit C.

f. *[For rule 2.420(c)(9) motions]* Confidentiality of Confidential and Sensitive Information is required to

protect the following interest(s): *[select any/all that apply]*

- 1. Preventing a serious and imminent threat to the fair, impartial, and orderly administration of justice, specifically: \_\_\_\_\_
- 2. A trade secret.
- 3. A compelling government interest, specifically: Protection of Designated Election Critical Infrastructure
- 4. Obtaining evidence to determine the legal issues in a case;
- 5. Avoiding substantial injury to innocent third parties, specifically: \_\_\_\_\_

6. Avoiding substantial injury to a party by the disclosure of matters protected by a common law or privacy right not generally inherent in this type of proceeding, specifically: Designated Election Critical Infrastructure

7. Complying with established public policy set forth in the Florida or United States Constitution or statutes or Florida rules or case law, specifically: \_\_\_\_\_  
See Exhibit A, Exhibit B and Exhibit C. Florida Rule of Judicial Administration 2.420, Florida Statutes 119.0725 (2)(b), 119.0725 (2)(d).

g. There is no less restrictive measure available to protect this/these interest(s), and the degree, duration and manner of confidentiality ordered herein are no broader than necessary to protect the interest(s).

Wherefore, the undersigned REQUESTS that:

The Court set this motion for a hearing.

The Court finds that the identified documents are confidential and for the Court to seal the following materials related to this matter and to keep such materials from public access: *[select all that apply]*

1. The party's name on the progress docket and in the case style. On the public progress docket, the Clerk of the Circuit Court shall substitute the following for the party's name: \_\_\_\_\_ . Further, the Clerk shall ensure that the party's name is redacted from all public materials in the file and that the final judgment is recorded in a manner that does not reveal the identity of the party. However, the progress docket and the file shall otherwise remain available to the public.

2. The following documents within the court file: \_\_\_\_\_  
Docket entry #18 pages 2 and 4 of 27 filed 09/09/2024 as Exhibit G Configuration Report  
However, the file and progress docket shall otherwise remain available to the public subject to any substitution of a party's name set forth above.

3. The entire court file. However, the progress docket shall remain open to the public subject to any substitution of a party's name set forth above.

4. The entire court file and the progress docket. The progress docket shall not be available on any public information system. However, the case number shall remain public.

I certify that this motion is made in good faith and is supported by a sound factual and legal basis.

Submitted and filed on 09/13/2024.

I hereby certify that a copy of the foregoing was furnished by e-mail/U.S. Mail/personal service on 09/13/2024 to: gleasonforpinellas@gmail.com, cpgleason72@gmail.com and immutabletruth@protonmail.com

Jared D. Kahn  
Party/Attorney's Signature  
Attorney Name Jared D. Kahn  
Florida Bar No. 105276  
Address Pinellas County Attorney's Office  
315 Court Street, Sixth Floor Clearwater, FL 33756  
Phone (727) 464-3354  
E-mail jkahn@pinellas.gov, eservice@pinellas.gov

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.

---

**MOTION FOR ORDER RELATED TO PLAINTIFF'S FILING OF SENSITIVE  
INFORMATION IN VIOLATION OF RULE 2.425, FLORIDA RULES OF GENERAL  
PRACTICE AND JUDICIAL ADMINISTRATION**

COMES NOW, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections by and through undersigned counsel pursuant to Rule 2.425 and seeks an Order related to Plaintiff's failure to minimize the filing of sensitive information and as grounds therefor does state:

1. As of the filing of this motion, the Clerk has docketed 31 different sets of exhibits filed with Plaintiff's Complaint.
2. Additionally, Defendant Supervisor Marcus was served with a thumb drive containing additional confidential information which does not appear on the Court's docket.
3. In PDF, these exhibits on the Court docket are approximately 16.8 mb of PDFs.
4. The undersigned as well as the Defendant Supervisor Marcus have reviewed the voluminous exhibits and have attempted to identify the types of sensitive or confidential information contained in each docketed exhibit. However, since Plaintiff blatantly

disregarded the rule regarding the minimization of sensitive information, the exhibits are voluminous, the filing of sensitive information is pervasive throughout the extensive exhibits which are not bates-stamped, the time to respond to Plaintiff's Contest of Elections is shortened to ten (10) days, and the Defendant and Clerk of Court are governmental entities and stewards of tax dollars and court fees, this motion does not identify each page containing sensitive information.

5. Defendant has identified the following exhibits as containing confidential and/or sensitive information as follows:

a. Docket 18, Exhibit G contains confidential information on PDF pgs. 2 and 4 of 24 – configuration report from March 19, 2024.

- i. This photograph was taken in violation of Florida Statutes, section 102.031;
- ii. This photograph reveals information which is confidential and exempt from public records pursuant to Florida Statutes, section 119.0725.

b. Docket 4, Exhibit E contains sensitive and confidential information including:

- i. An e-mail from Dustin Chase to Cathi Chamberlain which includes confidential information, to wit: the date of the voter's vote-by-mail ballot request was made is confidential pursuant to Florida Statutes, section 101.62(3), as set forth in DE12-10 attached as an Exhibit to Plaintiff's Complaint;
- ii. Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A);
- iii. Complete telephone number(s) in violation of Rule 2.45(a)(4)(E);
- iv. Complete driver's license number(S) in violation of Rule 2.45(a)(4)(C); and
- v. A portion of a social security number in violation of Rule 2.45(a)(3)(A).

- c. Docket 9 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- d. Docket 10 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- e. Docket 11 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- f. Docket 12 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- g. Docket 14, Exhibit F, Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A); and Complete telephone number(s) in violation of Rule 2.45(a)(4)(E), which may be limited to the Plaintiff's or governmental.
- h. Docket 17 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C).
- i. Docket 19 contains complete telephone number(s) in violation of Rule 2.45(a)(4)(E).
- j. Docket 22, Exhibit L, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and an untruncated e-mail address in violation of Rule 2.45(a)(5)(A) and which may be limited to governmental.
- k. Docket 26 contains complete telephone numbers in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
- l. Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.

- m. Docket 28, Exhibit F, Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiffs or governmental.
  - n. Docket 30, Exhibit O, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A) and complete telephone numbers in violation of Rule 2.45(a)(4)(E), although Plaintiff redacted some e-mail addresses completely.
  - o. Docket 31, Exhibit P, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to governmental addresses.
  - p. Docket 32, Exhibit Q, contains complete telephone number in violation of Rule 2.45(a)(4)(E), which may be limited to governmental numbers, and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
  - q. Docket 34, Exhibit S, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), both of which are governmental.
  - r. Docket 35, Exhibit U, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), although Plaintiff redacted some e-mail addresses completely.
6. The allegations and exhibits filed in this case, including sensitive information, are being used in other matters pending before this and other courts, necessitating resources of the Defendant be spent compensating for Plaintiff's failure to take appropriate action to minimize the filing of confidential and sensitive information.

**WHEREFORE**, in consideration of the above, Defendant respectfully requests that the confidential information contained in Exhibit E be redacted from the public court file, absent a finding of waiver by the Affiant whose confidential information is disclosed, that Exhibit G be sealed, and that the Defendant be compelled to identify with specificity the location of





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

---

**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.   ota985 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.





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. Ota*, 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. Esteva, 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.

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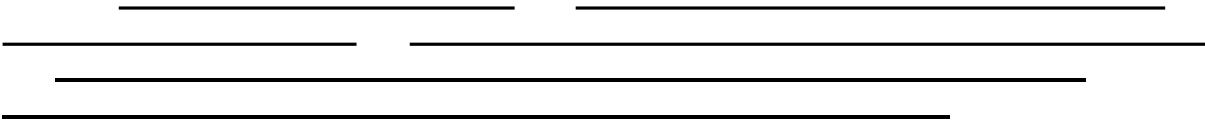
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IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION

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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SUPERVISOR MARCUS' REPLY TO PLAINTIFF'S RESPONSE CONTAINED  
WITHIN DOCKET 52 AND DOCKET 58

COMES NOW, Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, by and through undersigned counsel, pursuant to Rule 2.425 and seeks the Court to uphold its Order Granting Defendant Julie Marcus's Motion to Determine the Confidentiality of Trial Court Records and Granting Defendant's Motion for Order Related to Plaintiff's Filing of Sensitive Information in Violation of Rule 2.425, Florida Rules of General Practice and Judicial Administration.

Docket entry #18 pages 2 and 4 of 27 filed September 9, 2024 as Exhibit G Configuration Report should continue to be held as confidential pursuant to Florida Rule of Judicial Administration 2.420, Florida Statutes §§ 119.0725 (2)(b) and 119.0725 (2)(d).

Plaintiff appears to be conflating the Florida Public Records Law with the provisions governing court filings under the Florida Rules of General Practice and Judicial Administration. The intent of Rule 2.425 is to prevent sensitive information from being made public in court records held by the Clerk of Court. Even if certain exhibits exist as public records under Florida

Statutes § 119, the requirement to redact or seal confidential information in court filings remains unaffected. Gadd v. News-Press Pub. Co., 412 So. 2d 894 (Fla. 2d DCA 1982).

Plaintiff's allegations in paragraph 3 of his Response are unsupported by factual evidence. The Supervisor's actions are aimed at ensuring that the court record complies with confidentiality requirements and does not contain sensitive information. Plaintiff's disregard for these requirements does not negate the necessity of maintaining the confidentiality of such information.

The information contained in Docket entry #18 pages 2 and 4 of 27 filed September 9, 2024 as Exhibit G Configuration Report has never been made public through an official and documented disclosure. There is a critical difference between official and unofficial disclosures. Fitzgibbon v. CIA, 286 U.S. App. D.C. 13, 911 F.2d 755 (1990). The disclosures of information Plaintiff references were his own and they do not tender the critical elections infrastructure data any less confidential.

Plaintiff cannot rely on his own unauthorized dissemination of confidential information to circumvent statutory confidentiality protections. Unauthorized/unofficial public disclosure does not abrogate the legal requirement to maintain the confidentiality of sensitive information within court records. Plaintiff cites Barron v. Colbert, 393 So. 2d 1209, 1211 (Fla. 3d DCA 1981), claiming that the Florida Supreme Court held that confidentiality claims become moot once information enters the public domain. However, this case does not appear to exist in Florida jurisprudence. Therefore, Plaintiff's reliance on this authority is misplaced.

Plaintiff neither shows that pages 2 and 4 of Exhibit G meet any threshold for widespread publication nor provides any valid authority for the proposition that the information contained in Exhibit G qualifies under Fla. Stat. §§ 119.0725 (2)(b) and (d). While transparency is important, the legislature has determined that certain information must remain confidential to protect

significant public interests, including the security and integrity of election systems. The confidentiality provisions in Florida Statutes §§ 119.0725(2)(b) and (d) serve to safeguard sensitive election infrastructure, and compliance with these statutes upholds the public interest.

Paragraphs 11 and 12 do not contain the information which Plaintiff purports it to be and is not relevant to the issues at bar. Paragraph 13 talks about trade secrets; the information the Supervisor is asking this Court to hold as confidential in the public court file is not a trade secret and the Supervisor has not requested confidentiality on that basis. The information disclosed in Exhibit G contains information on confidential election infrastructure as well as network configurations, both of which are confidential and exempt from public records pursuant to Florida Statutes §§ 119.0725(2)(b) and network configurations 119.0725(2)(d).

In paragraph 15, Plaintiff incorrectly assumes that the presence of a modem equates to an internet connection, thereby arguing that the information cannot be confidential. This misunderstanding is irrelevant to the confidentiality provisions under Florida Statutes §§ 119.0725(2)(b) and (d), which protect certain security-related information regardless of its perceived connectivity status. Plaintiff's relies upon the fictitious cases of *Barron v. Colbert* and *Nicolette v. Florida Department of Law Enforcement* to support his argument. Diligent searches were conducted for both Florida as well as any state or federal caselaw with the names and citations relied upon by Plaintiff – there are none. By citing nonexistent authority, Plaintiff demonstrates a blatant disregard for the integrity of the legal proceedings and attempts to mislead this Court. Plaintiff's reliance on fictitious caselaw not only fails to support his arguments, but casts serious doubt on the credibility of his entire submission and the representations therein. In the absence of legitimate legal support, Plaintiff's claims should be rejected.

Defendant has identified the following exhibits as containing confidential and/or sensitive

information which Plaintiff has still not redacted (THIS IS NOT AN EXHAUSTIVE LIST):

- a. Docket 18, Exhibit G contains confidential information on PDF pgs. 2 and 4 of 24 of the Configuration Report from March 19, 2024.
  - i. This photograph was taken in violation of Florida Statutes, section 102.031(5); and
  - ii. This photograph reveals information which is confidential and exempt from public records pursuant to Florida Statutes, section 119.0725.
- b. Docket 4, Exhibit E contains sensitive and confidential information including:
  - i. An e-mail from Dustin Chase to Cathi Chamberlain which includes confidential information, to wit: the date of the voter's vote-by-mail ballot request was made is confidential pursuant to Florida Statutes, section 101.62(3), as set forth in DE12-10 attached as an Exhibit to Plaintiff's Complaint;
  - ii. Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A);
  - iii. Complete telephone number(s) in violation of Rule 2.45(a)(4)(E);
  - iv. Complete driver's license number(s) in violation of Rule 2.45(a)(4)(C); and
  - v. A portion of a social security number in violation of Rule 2.45(a)(3)(A).
- c. Docket 9 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- d. Docket 10 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- e. Docket 11 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).

- f. Docket 12 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C) (pdf 4/4).
- g. Docket 14, Exhibit F, Untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A); and Complete telephone number(s) in violation of Rule 2.45(a)(4)(E), which may be limited to the Plaintiff's or governmental.
- h. Docket 17 contains a complete driver's license number(s) in violation of Rule 2.45(a)(4)(C).
- i. Docket 19 contains complete telephone number(s) in violation of Rule 2.45(a)(4)(E).
- j. Docket 22, Exhibit L, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and an untruncated e-mail address in violation of Rule 2.45(a)(5)(A) and which may be limited to governmental.
- k. Docket 26 contains complete telephone numbers in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A).
- l. Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.
- m. Docket 28, Exhibit F, Docket 27 contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to the Plaintiff's or governmental.
- n. Docket 30, Exhibit O, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A) and complete telephone numbers in violation of Rule 2.45(a)(4)(E), although Plaintiff redacted some e-mail addresses completely.
- o. Docket 31, Exhibit P, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), which may be limited to governmental addresses.

- p. Docket 32, Exhibit Q, contains complete telephone number in violation of Rule 2.45(a)(4)(E), which may be limited to governmental numbers, and untruncated email addresses in violation of Rule 2.45(a)(5)(A).
- q. Docket 34, Exhibit S, contains a complete telephone number in violation of Rule 2.45(a)(4)(E) and untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), both of which are governmental.
- r. Docket 35, Exhibit U, contains untruncated e-mail addresses in violation of Rule 2.45(a)(5)(A), although Plaintiff redacted some e-mail addresses completely.

Plaintiff has not been denied access to public records and fails to articulate a basis as to why the above-identified records containing sensitive information should not continue to be held as confidential/sensitive until Plaintiff cures the issues which were created via his filings. Had Plaintiff paginated his exhibits, the Clerk could be directed to the sensitive information for redaction, however Plaintiff did not do so. Despite Plaintiff's failure to uphold his responsibility under Rule 2.425 of the Florida Rules of General Practice and Judicial Administration to minimize sensitive information in court filings, Plaintiff failed to redact such information, thereby not only violating the rules, but risking the privacy and security of individuals. Exhibit G contains a configuration report dated March 19, 2024, which includes detailed information about Defendant's election equipment data and IT resources. Not only is disclosure of this information expressly protected as confidential and exempt under Florida Statutes § 119.0725(2)(b) and (d) as "information relating to critical infrastructure" and "network schematics." Additionally, this disclosure could compromise election integrity. Plaintiff has a responsibility to adhere to the Florida Rules of General Practice and Judicial Administration. Plaintiff's failure to redact both confidential information as well as sensitive information not only violates these rules but also risks



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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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**NOTICE OF REQUEST FOR COURT TO CONSIDER MOTION BASED ON  
WRITTEN SUBMISSIONS WITHOUT HEARING**

The undersigned submits this Notice requesting that the Court consider, Defendant Julie Marcus, in her official capacity as Pinellas County Supervisor of Elections, non-evidentiary Motion, entitled **JULIE MARCUS' MOTION TO DISMISS, ANSWER AND DEFENSES**, filed on September 18, 2024, in the above-styled case, based only on the written submissions and without hearing pursuant to Administrative Order No. 2020-012 PA/PI-CIR.

The opposing party shall have fifteen (15) days after being served to file their argument and legal memorandum with citations of authority in opposition to the relief requested. On Monday, October 21, 2024, the Court may rule on the Motion at any time thereafter without further notice or hearing.

This case was afforded a hearing on September 19, 2024, where Plaintiff agreed to respond to Defendant's Motion to Dismiss by September 25, 2024, and on October 2, 2024, where the hearing on Defendants motion to dismiss was continued due to Plaintiff's attempt to











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