

IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT  
IN AND FOR BROWARD COUNTY, FLORIDA

RICK SCOTT FOR FLORIDA,

Plaintiff,

v.

CASE NO.

**IMMEDIATE HEARING REQUESTED**

DR. BRENDA C. SNIPES, in her official  
capacity as Broward County Supervisor of  
Elections,

Defendant.

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**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF TO  
PRESERVE AND IMPOUND ELECTION EQUIPMENT AND RECORDS**

Plaintiff, Rick Scott for Florida, sues Defendant, Dr. Brenda C. Snipes, in her official capacity as the Broward County, Florida Supervisor of Elections (“Supervisor of Elections”), and alleges as follows:

1. This an action for emergency injunctive relief to impound and preserve all voting machines, tallying devices, and ballots, pursuant to Article I, Section 24 of the Florida Constitution, and Chapters 101 and 102 (the “Election Code”), and Chapter 119 (the “Public Records Act”) of the Florida Statutes pending the completion of any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator for Florida.

2. On November 6, 2018, Florida voters cast ballots to choose a United States Senator. Since voting concluded, the Supervisor of Elections has been unwilling to comply with her obligations under Florida law to provide transparency in the reporting and tabulation of votes. The Supervisor of Elections has repeatedly failed to account for the number of ballots remaining to be counted, obfuscated her ballot processing procedures, and failed to report the results of her tabulation regularly as required by Florida law. In the days following the general election, the

Supervisor of Elections was unable to accurately respond to simple requests for the number of votes remaining to be counted. This lack of transparency, in violation of Florida law, raises substantial concern about validity of the electoral process and the preservation of the voting machines, tallying devices, ballots used and cast during the general election.

3. As a result of the Supervisor of Elections' continuing violations of Florida law, Plaintiff seeks (i) an Order from this Court requiring the Broward County Sheriff's Office and Agents of the Florida Department of Law Enforcement (FDLE), to impound and secure all voting machines, tallying devices, and ballots when not in use until such time as any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator are complete; and (ii) an Order from this Court requiring the Supervisor of Elections to comply with her legal obligations to preserve all ballots and records connected to the 2018 general election.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to Art. V, § 5 of the Florida Constitution, Art. 1, § 24 of the Florida Constitution, the Florida Election Code, including Fla. Stat. §§ 101.5614 and 102.141, and the Public Records Act, including Fla. Stat. § 119.07.

5. Venue for this action is properly in Broward County, Florida pursuant to Section 47.011, Florida Statutes. The Broward County Supervisor of Elections is located in Broward County, Florida, and Plaintiff's cause of action accrued in Broward County, Florida.

#### **THE PARTIES**

6. Plaintiff, Rick Scott for Florida, is a federal campaign committee authorized to conduct political activity throughout the state of Florida.

7. Defendant, Dr. Brenda C. Snipes, is the Supervisor of Elections for Broward County, Florida, and is responsible for overseeing the conduct of elections in Broward County,

including but not limited to the conduct of election personnel throughout the county in the post-election process.

8. Plaintiff is supporting candidates voted upon in the election in Broward County and throughout Florida. Plaintiff's interests in enforcement of the election laws and ensuring a fair election are adversely affected by the conduct complained of below.

9. All conditions precedent to the filing of this lawsuit have been performed, have been waived, or are otherwise excused.

### **GENERAL ALLEGATIONS**

10. Plaintiff has a constitutional right to access public records. Article I, Section 24 of the Florida Constitution provides:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes . . . counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

11. The Supervisor of Elections has a statutory duty to preserve all public records within the Supervisor of Elections' custody, including ballots and ballot information:

a. Section 119.07(1)(a), Florida Statutes, provides:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

b. Section 20701 of Title 52 of the United States Code, provides:

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of . . . Member of the Senate . . . [is] voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.

12. Ballots are public records subject to “the inspection requirement of section 119.07(1), Florida Statutes.” Fla. Att’y Gen. Op. 2001–37 (2001).

**A. The Supervisor of Elections Has a History of Violating Florida Law.**

13. The Supervisor of Elections has a long and troubling history of violating Florida election law, especially in close elections.

14. By way of example, in 2016, the Supervisor of Election’s office: (i) mailed an unknown number of absentee ballots that omitted a proposed state constitutional amendment; (ii) posted early voting numbers online thirty minutes before the polls closed in primary elections; and (iii) opened ballots in private which prevented citizens and other groups of ensuring ballots were properly cast and counted.

15. Likewise, in 2017, the Supervisor of Elections: (i) admitted that her office has allowed ineligible voters—including felons and non-citizens—to cast votes; and (ii) wrongfully authorized the destruction of ballots cast in the 2016 Democratic primary election for the 23<sup>rd</sup> Congressional District of Florida, *see Canova v. Snipes*, No. CACE17-010904(21), 2018 WL 3659484 (Fla. 17th Cir. Ct. June 06, 2018).

16. Unfortunately, the Supervisor of Election’s unlawful behavior has continued during the entire 2018 election cycle. During the August 2018 primary election, the Supervisor of Elections incorrectly stated the outstanding number of mail-in ballots by almost 50 percent, directly impacting the outcomes of certain local elections.

17. The Supervisor of Elections’ unlawful actions continued during the November 2018 general election, including: (i) violating her statutory duty to report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close; (ii) violating her statutory duty to provide updated precinct election results to the department of

State at least every 45 minutes until all results are completely reported; (iii) failing to provide, or providing inconsistent responses to inquiries from counsel for Plaintiff concerning the number of ballots received by the Broward Supervisor of Elections and the number of ballots remaining to be counted; and (iv) improperly commingling valid provisional ballots with invalid provisional ballots, resulting in the initial counting of at least 22 invalid ballots.

18. As a result of the Supervisor's most recent failures and inability to comply with Florida law, on November 9, 2018, Broward County Circuit Court Judge Carol-Lisa Phillips: (i) ruled that the Supervisor had violated the Florida law by failing to provide access to certain election information and fulfill a request for information by Rick Scott through his Senate campaign; and (ii) ordered the Supervisor to comply with Florida law.

**B. Injunctive Relief is Necessary to Protect the Sanctity of the Electoral Process.**

19. By refusing to comply with her duties and obligations under Florida law—including her refusal since the general election to provide any information regarding the number of ballots cast, the number of ballots counted, or the number of ballots left to be counted in Broward County—the Supervisor of Elections has violated her constitutional and statutory duties under Florida's Constitution, Election Code, and Public Records Act.

20. Plaintiff also suffers a continuing and ongoing harm from the Supervisor of Elections' misconduct by the damage it does to the public confidence that Rick Scott's election was conducted fairly.

21. Every day that the Supervisor of Elections' suspect and unlawful vote-counting practices continue, suspicions continue to grow, and the irreparable injury to Plaintiff and the public trust festers. The harm caused by Defendant's behavior increases every minute her office is allowed to continue counting votes behind closed doors.

22. As long as the Supervisor of Elections has unsupervised, unaccountable, an unfettered access to the ballot boxes, she will be able to destroy evidence of any errors, accidents, or unlawful conduct—making it nearly impossible for an aggrieved party to prosecute their claims or discover later what has actually occurred in the electoral process.

23. Plaintiff's interests—and the interests of all voters—in halting ongoing election fraud will be irreparably harmed absent entry of immediate injunctive relief.

24. There is no adequate legal remedy here apart from an emergency injunction to impound and preserve the voting machines, tallying devices and ballots.

**COUNT I – REQUEST FOR INJUNCTIVE RELIEF TO IMPOUND AND PRESERVE ALL VOTING MACHINES, TALLYING DEVICES, AND BALLOTS.**

25. Plaintiff adopts and re-alleges the allegations of paragraphs 1–24 above.

26. The Supervisor of Elections has a duty to oversee the proper reporting of ballot results, including that:

a. Section 102.141(4)(b) provides:

The canvassing board shall report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required.

b. Section 102.141(3) provides:

The canvass, except the canvass of absent electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the supervisor, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. of the day following any primary, general, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any

such returns, the canvassing board shall order a retabulation of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

c. Section 101.5614(4)(a) provides:

If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

27. Plaintiff has a right to the fair conduct of elections. *Boardman v. Esteva*, 323 So. 2d 259, 263 (Fla. 1975).

28. By refusing to assure the security and preservation of all voting machines, tallying devices, and ballots, the Supervisor of Elections violated her constitutional and statutory duties under the Florida Constitution, Election Code, and Public Records Act.

29. The requested relief is necessary to maintain public trust in Florida's election process, prevent fraud or the appearance of fraud, and prevent Plaintiff and the public from suffering irreparable harm in the form of a de-legitimization of Florida's election process and the irrecoverable destruction of ballots.

30. Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

- a. A temporary and permanent injunction ordering the Broward County Sheriff's Office and Agents of the Florida Department of Law Enforcement (FDLE), to impound and secure all voting machines, tallying devices, and ballots when not in use until such time as any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator for Florida are complete, and;
- b. A temporary and permanent injunction ordering the Supervisor of Elections, Dr. Brenda Snipes, to comply with her legal obligations to preserve all ballots and records connected to the 2018 general election.
- c. The costs of this lawsuit, together with reasonable attorney's fees to the extent provided by law; and
- d. Such further relief as the Court deems proper.

**VERIFICATION**

I hereby swear or affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

*/s/ Jason Zimmerman*  
*Counsel for Plaintiff*



Respectfully submitted this 11<sup>th</sup> day of November, 2018,

**/s/ Jason Zimmerman**

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IN THE CIRCUIT COURT OF THE FIFTEENTH JUDICIAL CIRCUIT  
IN AND FOR PALM BEACH COUNTY, FLORIDA

RICK SCOTT FOR FLORIDA,

Plaintiff,

v.

CASE NO.

DIV.

**IMMEDIATE HEARING REQUESTED**

SUSAN M. BUCHER, in her official capacity  
as Palm Beach County Supervisor of Elections,

Defendant.

---

**VERIFIED COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF TO  
PRESERVE AND IMPOUND ELECTION EQUIPMENT AND RECORDS**

Plaintiff, Rick Scott for Florida, sues Defendant, Susan M. Bucher, in her official capacity as the Palm Beach County, Florida Supervisor of Elections (“Supervisor of Elections”), and alleges as follows:

1. This an action for emergency injunctive relief to impound and preserve all voting machines, tallying devices, and ballots, pursuant to Article I, Section 24 of the Florida Constitution, and Chapters 101 and 102 (the “Election Code”), and Chapter 119 (the “Public Records Act”) of the Florida Statutes pending the completion of any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator for Florida.

2. On November 6, 2018, Florida voters cast ballots to choose a United States Senator. Since voting concluded, the Supervisor of Elections has been unwilling to comply with her obligations under Florida law to provide transparency in the reporting and tabulation of votes. The Supervisor of Elections has duplicated damaged or overvoted ballots and refused to comply with court orders for transparency as required by Florida law. This lack of transparency, in violation of Florida law, raises substantial concern about the security and validity of the electoral process and

the preservation of the voting machines, tallying devices, ballots used and cast during the general election. Worse yet, as recently as today, the Supervisor of Elections continues to store election equipment and ballots in an unsecured facility outside the view of the public.

3. As a result of the Supervisor of Elections' continuing violations of Florida law, Plaintiff seeks (i) an Order from this Court requiring the Palm Beach County Sheriff's Office and Agents of the Florida Department of Law Enforcement (FDLE) to impound and secure all voting machines, tallying devices, and ballots when not in use until such time as any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator are complete; and (ii) an Order from this Court requiring the Supervisor of Elections to comply with her legal obligations to preserve all ballots and records connected to the 2018 general election.

#### **JURISDICTION AND VENUE**

4. This Court has subject matter jurisdiction pursuant to Art. V, § 5 of the Florida Constitution, Art. I, § 24 of the Florida Constitution, the Florida Election Code, including sections 101.5614 and 102.141, Florida Statutes, and the Public Records Act, including section 119.07, Florida States.

5. Venue for this action is properly in Palm Beach County, Florida pursuant to section 47.011, Florida Statutes. The Palm Beach County Supervisor of Elections is located in Palm Beach County, Florida, and Plaintiff's cause of action accrued in Palm Beach County, Florida.

#### **THE PARTIES**

6. Plaintiff, Rick Scott for Florida, is a federal campaign committee authorized to conduct political activity throughout the state of Florida.

7. Defendant, Susan M. Bucher, is the Supervisor of Elections for Palm Beach County, Florida, and is responsible for overseeing the conduct of elections in Palm Beach County,

including but not limited to the conduct of election personnel throughout the county in the post-election process.

8. Plaintiff is supporting candidates voted upon in the election in Palm Beach County and throughout Florida. Plaintiff's interests in enforcement of the election laws and ensuring a fair election are adversely affected by the conduct complained of below.

9. All conditions precedent to the filing of this lawsuit have been performed, have been waived, or are otherwise excused.

### **GENERAL ALLEGATIONS**

10. Plaintiff has a constitutional right to access public records. Article I, Section 24 of the Florida Constitution provides:

Every person has the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or persons acting on their behalf, except with respect to records exempted pursuant to this section or specifically made confidential by this Constitution. This section specifically includes . . . counties, municipalities, and districts; and each constitutional officer, board, and commission, or entity created pursuant to law or this Constitution.

11. The Supervisor of Elections has a statutory duty to preserve all public records within the Supervisor of Elections' custody, including ballots and ballot information:

a. Section 119.07(1)(a), Florida Statutes, provides:

Every person who has custody of a public record shall permit the record to be inspected and copied by any person desiring to do so, at any reasonable time, under reasonable conditions, and under supervision by the custodian of the public records.

b. Section 20701 of Title 52 of the United States Code, provides:

Every officer of election shall retain and preserve, for a period of twenty-two months from the date of any general, special, or primary election of which candidates for the office of . . . Member of the Senate . . . [is] voted for, all records and papers which come into his possession relating to any application, registration, payment of poll tax, or other act requisite to voting in such election.

12. Ballots are public records subject to “the inspection requirement of section 119.07(1), Florida Statutes.” Fla. Att’y Gen. Op. 2001–37 (2001).

**A. The Supervisor of Elections Has a History of Violating Florida Law.**

13. The Supervisor of Elections has a long and troubling history of violating Florida election law, especially in close elections.

14. By way of example, in 2012, the Supervisor of Elections’ office: (i) announced and certified two candidates for local office when they both had, in fact, lost their respective elections; and (ii) duplicated by hand approximately 27,000 absentee ballots that had already been cast, due to a printing error in the weeks leading up to the 2012 presidential election.

15. As a result of the issues the Supervisor of Elections’ office has had ensuring compliance with Florida and federal election law, the United States Department of Justice sent election officials to Palm Beach County to monitor for voting irregularities in November 2018.

16. During the November 2018 general election the Supervisor of Elections’ unlawful actions persisted, including: (i) violating her statutory duty to secure the Supervisor of Elections’ Facility that houses the voting equipment, ballots, and records, (ii) violating her statutory duty to allow members of the public to observe the counting of ballots, and (iii) allowing or instructing her staff to improperly duplicate damaged, overvoted, or undervoted ballots outside of the presence of the Palm Beach County Canvassing Board.

17. As a result of the Supervisor’s most recent failures and inability to comply with Florida law, on November 8, 2018, Palm Beach County Circuit Court Judge Krista Marx: (i) ruled that the Supervisor of Elections had violated the requirements of Section 101.5614(4)(a) by allowing or instructing her staff to improperly duplicate damaged, overvoted, or undervoted ballots outside of the presence of the Palm Beach County Canvassing Board; and (ii) ordered the

Supervisor to comply with Florida law. *Rick Scott for Senate v. Susan Bucher*, Case No. 502018CA014075 (Fla. 15th Cir. Court Nov. 8, 2018). Indeed, the Supervisor of Elections admitted under oath that she knowingly ignored Florida law governing the proper handling of these ballots in favor of her own procedure.

18. Likewise, several media outlets were forced to sue the Supervisor of Elections after she refused to allow members of the public to observe the counting of ballots by her office in violation of Florida's Sunshine Law, section 286.011, Florida Statutes. *NBC Universal Media, LLC v. Palm Beach County Canvassing Board*, (Fla. 15th Cir. Court Nov. 8, 2018).

19. As recently as approximately 2:00 a.m. on November 11, 2018, the rear door to the Supervisor of Elections' warehouse storage facility located at 7835 Central Industrial Drive remained unsecured, leaving the Supervisor of Elections' employees free to come and go from the facility outside of the view of any observers of the ballot recount process further undermining the transparency and security of Florida's electoral process.

**B. Injunctive Relief is Necessary to Protect the Sanctity of the Electoral Process.**

20. By refusing to comply with her duties and obligations under Florida law—including by (i) refusing to properly secure the Supervisor of Elections' storage facility that houses the voting equipment, ballots, and records, (ii) refusing to allow members of the public to observe the counting of ballots, and (iii) allowing or instructing her staff to improperly duplicate damaged, overvoted, or undervoted ballots outside of the presence of the Palm Beach County Canvassing Board—the Supervisor of Elections has violated her constitutional and statutory duties under Florida's Constitution, Election Code, and Public Records Act.

21. Plaintiff also suffers a continuing and ongoing harm from the Supervisor of Elections' misconduct through the damage it does to the public confidence that Rick Scott's election was conducted and achieved fairly.

22. Every day that the Supervisor of Elections' suspect and unlawful vote-counting practices continue, suspicions continue to grow, and the irreparable injury to Plaintiff and the public trust festers. The harm caused by the Supervisor of Elections' behavior increases every minute her office is allowed to continue counting votes behind closed doors.

23. As long as the Supervisor of Elections has unsupervised, unaccountable, and unfettered access to the ballot boxes, she will be able to destroy evidence of any errors, accidents, or unlawful conduct—making it nearly impossible for an aggrieved party to prosecute their claims or discover later what has actually occurred in the electoral process.

24. Plaintiff's interests—and the interests of all voters—in halting ongoing election fraud will be irreparably harmed absent entry of immediate injunctive relief.

25. No adequate legal remedy exists apart from an emergency injunction to impound and preserve the voting machines, tallying devices, and ballots.

**COUNT I – REQUEST FOR INJUNCTIVE RELIEF TO IMPOUND AND PRESERVE ALL VOTING MACHINES, TALLYING DEVICES, AND BALLOTS.**

26. Plaintiff adopts and re-alleges the allegations of paragraphs 1–25 above.

27. Plaintiff and the voters of Florida have a clear legal right to the lawful, transparent preservation of ballots.

28. The Supervisor of Elections has a duty to oversee the proper reporting of ballot results, including that:

a. Section 102.141(4)(b) provides:

The canvassing board shall report all early voting and all tabulated vote-by-mail results to the Department of State within 30 minutes after the polls close. Thereafter, the canvassing board shall report, with the exception of provisional ballot results, updated precinct election results to the department at least every 45 minutes until all results are completely reported. The supervisor of elections shall notify the department immediately of any circumstances that do not permit periodic updates as required.

b. Section 102.141(3) provides:

The canvass, except the canvass of absent electors' returns and the canvass of provisional ballots, shall be made from the returns and certificates of the inspectors as signed and filed by them with the supervisor, and the county canvassing board shall not change the number of votes cast for a candidate, nominee, constitutional amendment, or other measure submitted to the electorate of the county, respectively, in any polling place, as shown by the returns. All returns shall be made to the board on or before 2 a.m. of the day following any primary, general, or other election. If the returns from any precinct are missing, if there are any omissions on the returns from any precinct, or if there is an obvious error on any such returns, the canvassing board shall order a retabulation of the returns from such precinct. Before canvassing such returns, the canvassing board shall examine the tabulation of the ballots cast in such precinct and determine whether the returns correctly reflect the votes cast. If there is a discrepancy between the returns and the tabulation of the ballots cast, the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly.

c. Section 101.5614(4)(a) provides:

If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot shall be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

d. Section 286.011(1) provides:

All meetings of any board or commission of any state agency or authority or of any agency or authority of any county, municipal corporation, or political subdivision, except as otherwise provided in the Constitution, including meetings with or



attended by any person elected to such board or commission, but who has not yet taken office, at which official acts are to be taken are declared to be public meetings open to the public at all times, and no resolution, rule, or formal action shall be considered binding except as taken or made at such meeting. The board or commission must provide reasonable notice of all such meetings.

29. Plaintiff has a clear legal right to the fair conduct of elections. *Boardman v. Esteve*, 323 So. 2d 259, 263 (Fla. 1975).

30. Provisions like sections 101.5614(4)(a) and 286.011, Florida Statutes, are designed to ensure an orderly and transparent process for counting votes, and thereby avoid fraud and the appearance of fraud.

31. By refusing to assure the security and preservation of all voting machines, tallying devices, and ballots, the Supervisor of Elections violated her constitutional and statutory duties under the Florida Constitution, Election Code, and Public Records Act.

32. The requested relief is necessary to maintain public trust in Florida's election process, prevent fraud or the appearance of fraud, and prevent Plaintiff and the public from suffering irreparable harm in the form of a de-legitimization of Florida's election process and the irrecoverable destruction of ballots.

33. Plaintiff has no adequate remedy at law.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff prays for judgment as follows:

a. A temporary and permanent injunction ordering the Palm Beach County Sheriff's Office and Agents of the Florida Department of Law Enforcement to impound and secure all voting machines, tallying devices, and ballots when not in use until such time as any recounts, election contests, or litigation related to the 2018 general election for the office of United States Senator for Florida are complete; and

b. A temporary and permanent injunction ordering the Supervisor of Elections, Susan

M. Bucher, to comply with her legal obligations to preserve all ballots and records connected to the 2018 general election; and

c. The costs of this lawsuit, together with reasonable attorney's fees to the extent provided by law; and

d. Such further relief as the Court deems proper.

**VERIFICATION**

I hereby swear or affirm under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

*Jason Zimmerman*  
*Counsel for Plaintiff*

Respectfully submitted this 11<sup>th</sup> day of November, 2018,

**/s/ Jason Zimmerman**

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