

**IN THE CIRCUIT COURT OF THE FIRST JUDICIAL CIRCUIT  
IN AND FOR ESCAMBIA COUNTY, FLORIDA**

**In re: BRUCE CHILDERS**, Plaintiff

vs.

**ROBERT BENDER**,

Supervisor of Elections,

Defendant.

2024 CA 000816

PAM CHILDERS  
CLERK & COMPTROLLER  
FILED  
2024 JUN 21 A 10: 58  
ESCAMBIA COUNTY, FL

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**PETITION FOR EMERGENCY WRIT OF MANDAMUS AND FOR DECLARATORY  
JUDGMENT**

COMES NOW the Plaintiff, BRUCE CHILDERS, and moves this Court for an Emergency Writ of Mandamus and for Declaratory Judgment, seeking to be deemed qualified to run as a candidate for Supervisor of Elections and remain on the ballot, and as grounds states:

**I. STATEMENT OF FACTS**

1. On Wednesday, June 12, 2024, Plaintiff filed to run for Supervisor of Elections with the Supervisor of Elections office. Qualifying for such office ended Friday at noon, June 14, 2024. At the time of filing, Plaintiff filed all documents required by law, including the summary page of Form 6. Plaintiff filed a receipt, or summary page, which included the “watermark” (an opaque image which is added upon the completion of electronic filing) which was accepted by the qualifying officer and second in charge, Sonya Daniel, at the Supervisor of Elections office as proof that the financial disclosure form, Form 6, was filed and accepted by the Division of Elections in Tallahassee, Florida. The qualifying officer, Sonya Daniel, carefully checked each document and initialed the Supervisor’s checklist, including the blank indicating she accepted as complete the financial disclosure, and stated at the time that “this (meaning the receipt from the Division of Elections office) was all

that was needed.” Plaintiff’s wife, who was present during the initial filing, asked Sonya Daniel what she needed to fulfill the Form 6 requirements since this was a new process for candidates. Ms. Daniel responded to the Plaintiff and Plaintiff’s wife by drawing a square in the air with her fingers indicating one page and responding “All we need is the page with the watermark. That is sufficient.” Because the campaign checking account had to be opened after the initial filing process, the Plaintiff had to leave to open a bank account and print the Form 6 requirement. Plaintiff returned with the filing fee payment and a copy of the Form 6 watermark page. While the Plaintiff worked with Ms. Daniel to verify payment and Form 6 requirement, the Plaintiff’s wife had a side conversation with Ms. Daniel’s assistant to show her the completed financial disclosure form on her iPad located on the Commission on Ethics website which showed proof of completion of the entire report and a date stamp of June 12, 2024. Upon leaving, Plaintiff asked Ms. Daniel if anything else was needed, to which Ms. Daniel stated something to the effect of “... you’re complete, you’re all good”.

2. Six days passed. On Tuesday, June 18, 2024, after the period for qualifying had passed, Plaintiff received a call from the Supervisor of Elections Office, Sonya Daniel, saying that he was not qualified because he had not properly filed all the forms required by law, specifically the financial disclosure form, Form 6. Plaintiff immediately asked for a meeting with the Supervisor of Elections and shortly thereafter, on the afternoon of June 18, met with Sonya Daniel, not the Supervisor of Elections, Robert Bender, and an attorney from the County Attorney’s office. The meeting itself ended with no resolution, with the County Attorney indicating she would look into the matter and render her recommendation later.

3. It should be noted at this point that by the evening of June 12, 2024, the Supervisor of Elections Office website had posted that the Plaintiff was “Qualified.” This information was disseminated to the local newspapers and the public in general. The Supervisor of Elections Office continued to list the Plaintiff as “Qualified.” The Supervisor’s office accepted and posted Plaintiff’s campaign finance report on June 17. Acting on the belief, and in reliance on the representations of the qualifying officer that Plaintiff had successfully qualified for election, Plaintiff spent \$50,000 of his own money on campaign material, billboards, signs and hiring elections consultants. On Thursday, June 20, 2024, Plaintiff received an email message from Sonya Daniel, not the appointed Supervisor of Elections, Robert Bender, that he was no longer qualified as a candidate, stating, “As discussed earlier, a candidate qualifying for Constitutional Office is required to provide a copy of the full and complete financial disclosure Form 6. This requirement is pursuant to the Florida Constitution, Florida’s Statute 99.061 (7)(a), and Florida’s election laws. There are no exceptions which would allow me to qualify you. Since Form 6 was not provided in its entirety by the close of qualifying you have not met the statutory qualifications and are not qualified as a candidate to run for the position of supervisor of elections.”
4. It should be further noted that between Wednesday, June 12, when Plaintiff filed his paperwork and the end of qualifying on Friday, June 14, no one from the Supervisor of Elections office called, texted or emailed Plaintiff that his paperwork was deficient. This fact is of significance since Florida statutes *require* the Supervisor of Elections office to notify candidates of any deficiency in their filings *before the close of qualifying*. F.S. 99.061 (7)(b) states, “The qualifying officer *shall make* a reasonable effort to notify the candidate

of the missing or incomplete items and to inform the candidate that all required items must be received by the close of qualifying” (emphasis added). Plaintiff’s wife, upon reviewing the Supervisor’s website, noticed that the Supervisor’s office had made a mistake as to Plaintiff’s email address. Plaintiff’s wife texted Sonya Daniel and told her of the mistake. Ms. Daniel apparently again checked Plaintiff’s file, texted Plaintiff’s wife back and told her she would make the correction, which she subsequently did. The two texted back and forth several times that evening, thus showing that a qualifying agent again checked the file and had sufficient opportunity to notify Plaintiff before the end of qualifying to cure any deficiency.

5. It is unclear whether Robert Bender, the recently-appointed Supervisor of Elections, actually checked the file for accuracy and completion. Sonya Daniel, on the other hand, has worked at the Supervisor of Elections office for many years, is the second in charge, and has the credentials to be a qualifying agent.

## **II. WRIT OF MANDAMUS**

6. Plaintiff, by filing this Writ of Mandamus, seeks to be deemed qualified to remain on the ballot in Escambia County, Florida, as a candidate for election to the office of Supervisor of Elections. This matter is in need of an immediate and emergency hearing, as the election for such position is August 20, 2024.
7. Plaintiff, as a qualified voter and resident of Escambia County, Florida, has a clear right to run for election as the Supervisor of Elections of this county.
8. Plaintiff has no other legal remedy as the ultimate decision to determine whether a candidate has properly qualified to run is up to the sitting Supervisor of Elections, not the Florida Division of Elections, nor the Commission on Ethics. A Writ of Mandamus is the

proper remedy to right any wrongs or injustices in disqualifying a candidate for elective office.

9. Defendant Supervisor of Elections Robert Bender has a clear legal duty to assist candidates in filing to run for office, not in finding ways to disqualify a candidate who seeks to run against him. Defendant has a clear legal duty not to mislead candidates into believing they are fully qualified when, apparently, they are not (F.S. 99.061 (5)(c)), cited *infra*. Further, Defendant has a clear to legal duty to contact and notify a candidate of any missing or incomplete items and to tell the candidate those items are required to be received by the close of qualifying (F.S. 99.061 (7)(b)). Defendant failed his legal and ethical responsibilities in each of those duties.
10. At issue is whether the Plaintiff has properly qualified to run and whether the Plaintiff, despite the technical dictates of the statute, has properly filed his paperwork, or whether the current Supervisor of Elections is seeking to disqualify a candidate who seeks to unseat him from his appointed position. The statute in question, F.S. 112.3144 (4) states, in pertinent part, “A candidate not subject to an annual filing requirement does not file with the commission, but *may* complete and print a Full and Public Disclosure of Financial Interests to file with the officer before whom he or she qualifies” (emphasis added). The 2024 State Qualifying Handbook states, “A copy of the electronically filed Form 6 *or receipt* of electronic filing must be provided to the Division of Elections during qualifying” (emphasis added).
11. This emergency Writ of Mandamus should issue forthwith as there is no other avenue for the Plaintiff to seek relief. The matter at issue is one of public importance. Time is of the essence as the date for election is August 20. The Plaintiff, based on representations from

the qualifying agent of the Supervisor of Elections, either knowingly or mistakenly led the Plaintiff to believe he had properly filed all the necessary forms and paperwork. Further, the Supervisor of Elections, as cited previously, had a statutory duty to timely inform the Plaintiff that his filings were deficient. Instead of fulfilling his statutory duties, the Supervisor of Elections, Robert Bender, allowed the qualifying period to lapse before notifying the Plaintiff that it was necessary to file all pages of the Form 6, not just the receipt. The statute itself, F.S. 112.3144 (4) states, “The Full and Public Disclosure is required to be filed electronically (which was done with the Division of Elections in Tallahassee, thus the receipt which was provided to the qualifying officer and which she accepted as sufficient). A copy of the electronically filed Form 6 *or receipt* of electronic filing must be provided to the Division of Elections during qualifying” (emphasis added). The statute itself appears to be permissive rather mandatory as to whether a receipt or the full Form 6 is necessary as the Supervisor of Elections now maintains.

12. Finally, regardless of the accuracy of the forms, the Supervisor’s Handbook on Candidate Qualifying at page 2 states, “Once a candidate is qualified to be on the ballot, their name cannot be removed from the ballot without a court order.” There has been no court order.

### **III. DECLATORY JUDGMENT**

13. Plaintiff reasserts numbers 1 through 11 as stated above.
14. Plaintiff seeks a declaratory judgment from this Court determining him to be qualified as a candidate to run for elective office in Escambia County, Florida, specifically the office of Supervisor of Elections.
15. Plaintiff has a bona fide interest in running as a candidate for this office, as he has filed all necessary paperwork, paid the necessary filing fee and is otherwise qualified to run as a

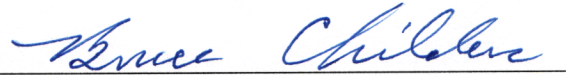
candidate. Plaintiff has been denied the opportunity to run for the office of Supervisor of Elections based on the caprice of the current Supervisor of Elections. There is a bona fide, present, practical need for this declaration. The need is immediate in that the election in question is set for August 20 of this year.

16. A present state of facts, as outlined above, and a present controversy exist.
17. Plaintiff, as an otherwise qualified candidate, resident of this county, registered voter, and having paid the requisite candidate filing fee and filed paperwork necessary to become a candidate has the right to run and seek election to this office.
18. The current Supervisor of Elections has an actual, present, adverse and antagonistic interest in this controversy, as Plaintiff seeks to unseat him from his position. The interests of both parties are before this court by proper process. Plaintiff seeks real redress, not just an answer for legal advice or out of curiosity.
19. Plaintiff, as stated above, was deemed to be qualified by the Supervisor of Elections office. Thereafter, and after the time for qualifying had lapsed, was declared by the recently-appointed Supervisor of Elections office to be disqualified. Plaintiff, at the time of filing was informed by the qualifying officer that all that was necessary to be filed was the page with the “watermark” showing the financial disclosures (Form 6) had been filed with the proper state agency. “In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, *including whether items that must be verified have been properly verified.*” *Fla. Stat. 99.061(5)(c)* (emphasis added). It should be noted that the statute requiring electronic filing had just been

implemented January 1, 2022, and was being used for the first time in public elections.

There appears to be confusion and some ambiguity in implementation of the new statute.

20. While the damage to the Plaintiff is personal, there is no injustice done to the public in allowing the Plaintiff to remain on the ballot. In fact, to the contrary, to continue to allow the Supervisor of Elections caprice to stand will effectively disenfranchise the citizens of this county from the opportunity to vote for and elect the best person to represent them as their Supervisor of Elections.
21. Plaintiff seeks a declaratory judgment deeming him to be qualified candidate to run for the office of Supervisor of Elections.



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