

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

In re: BRUCE CHILDERS,

Plaintiff,

CASE NO.: 2024-CA-000816

v.

ROBERT BENDER, Supervisor of Elections,

Defendant.

**DEFENDANT'S RESPONSE IN OPPOSITION TO
PLAINTIFF'S EMERGENCY MOTION FOR INJUNCTIVE RELIEF**

Defendant, Robert D. Bender, in his official capacity as the Escambia County Supervisor of Elections (“Supervisor Bender”), pursuant to Rules 1.140(b)(6) and 1.610 of the Florida Rules of Civil Procedure, respectfully responds in opposition to Plaintiff’s Motion for Injunctive Relief (“Motion”), and states in support thereof as follows:

INTRODUCTION

Plaintiff, Bruce Childers (“Plaintiff”), initially proceeding *pro se*¹, ignoring his clear failure to comply with the express terms of the Florida Constitution and Florida Statutes, seeks to deflect from his own failure to file a sworn statement of his full and public disclosure of his financial interests to qualify as a candidate for the office of Escambia County Supervisor of Elections. In

¹ Since filing his *pro se* Complaint, counsel has entered an appearance on his behalf. Plaintiff’s Complaint is styled as “In re: Bruce Childers,” and it is unclear whether Mr. Childers intends to be a party or that this action is simply related to Mr. Childers. Although Plaintiff filed the Complaint as an apparent *pro se* litigant, he is also a member of the Florida Bar. See Florida Bar website, <https://www.floridabar.org/directories/find-mbr/profile/?num=371262>. Florida Rules of Judicial Administration Rule 1.2515 imposes certain requirements and obligations on attorneys, including listing of the bar number in the signature block, which he failed to do. Additionally, attorneys admitted to practice in Florida owe a duty of candor to the Court. See R. Regulating Fla. Bar Rule 4-3.3.

his Complaint² and his Motion³, Plaintiff attempts to advance a narrative of facts and law that asserts that he timely filed all his required qualifying papers, including all the necessary information related to his full and public disclosure of his financial interests, that he was qualified by Supervisor Bender for placement on the ballot, and that after the close of the qualifying period, Supervisor Bender improperly removed his name from the ballot. Plaintiff is wrong on the law and the facts. Plaintiff misstates the law on what he was required to submit for his full and public disclosure of his financial interests, he misstates the law governing whether he was formally qualified as a candidate, and he misstates the law on whether Supervisor Bender's failure to qualify him has the effect of removing him from the ballot.

Plaintiff, a licensed attorney who presumably can interpret the plain language of Florida Statutes, cannot escape his own personal malpractice by claiming that he did not know his qualifying papers were deficient because Supervisor Bender failed to inform him of such defects.⁴ *See State ex rel. Taylor v. Gray*, 25 So. 2d 492, 496 (Fla. 1946) (finding a prospective candidate should be excluded from ballot where the candidate did not pay the statutorily-designated amount, even in the face of allegations that the Secretary of State's clerk erroneously advised the candidate's representative that a lesser amount was sufficient).

For the reasons presented below, his Emergency Motion should be denied.

² On June 25, 2024, the Court dismissed, without prejudice, Plaintiff's claim in Count 1 seeking a writ of mandamus. At this time, Plaintiff has not sought leave to amend his pleading.

³ In his Motion, Plaintiff does not designate under which Florida Rule of Civil Procedure he is proceeding. It is presumed that he is proceeding under Florida Rule of Civil Procedure 1.610.

⁴ This response primarily raises legal arguments as to why Plaintiff's Emergency Motion should be denied, even if all of Plaintiff's asserted-yet-not-yet-proven facts were deemed to be true. As presented in greater detail below, Defendant intends to present evidence at hearing that, in fact, Plaintiff was informed of the deficiencies in his qualifying papers and was expressly told that he would need to provide a complete sworn full and public disclosure of his financial interests and could do so via email, yet he failed to do so.

LEGAL BACKGROUND

The administration of elections for county office rests with the respective county supervisors of elections. *See* § 98.015, Fla. Stat. (setting duties of supervisors of elections); § 99.061(2) and (3) (providing for qualification for county office or single-county special districts to be made with the county supervisor of election). A candidate seeking to qualify for a constitutional office⁵ must provide a sworn statement providing full and public disclosure of financial interests at the time of qualifying as a requirement to have their name placed on the ballot for election to office. *See* Art. II, § 8(a) and (j)1, Fla. Const.; § 99.061(5) and (7)(a)5, Fla. Stat. Specifically, section 99.061, Florida Statutes, provides:

(5) At the time of qualifying for office, each candidate for a constitutional office, or for another elective office subject to an annual filing requirement pursuant to s. 112.3144, shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145. A candidate who is subject to an annual filing requirement under s. 112.3144 may file a verification or receipt of electronic filing pursuant to s. 112.3144(4). A candidate who is subject to an annual filing requirement under s. 112.3145 may file a verification or receipt of electronic filing pursuant to s. 112.3145(2)(c) unless the candidate is required to file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution or this subsection.

...

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

...

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics before qualifying for office may file a copy of that disclosure or a verification or receipt of electronic filing as provided in subsection (5) at the time of qualifying.

⁵ A county supervisor of elections is a constitutional officer. *See* Art. 8, § 1(d) (listing supervisor of elections as among those enumerated county constitutional officers).

(emphasis added). The requirements of the statute are crystal clear for a candidate, like Plaintiff who is not an incumbent or otherwise obligated to file a full and public disclosure of financial interests: (1) the candidate must file a full and public disclosure of financial interests; (2) the disclosure must be verified by oath or affirmation; and (3) the candidate must submit such documentation by the end of the qualifying period. *Id.* It should be specifically noted that there is an exception from submitting the full and public disclosure of financial interests that permits the filing of “a verification or receipt of electronic filing” in lieu of the full financial disclosure, but only for a “*public officer* who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics before qualifying for office.” § 99.061(7)(a)(5), Fla. Stat.; *see also* § 112.3144(4), Fla. Stat.

The Commission on Ethics is constitutionally and statutorily entrusted with enforcement of the Sunshine Amendment and Florida’s Code of Ethics. *See* Art. II, § 8(g) and (j)(3), Fla. Const.; § 112.320, Fla. Stat. (describing its purpose “to serve as guardian of the standards of conduct for the officers and employees of the state, and of a county, city, or other political subdivision of the state, as defined in this part, and to serve as the independent commission provided for in [s. 8\(f\), Art. II of the State Constitution](#)”). The Commission on Ethics has adopted Form 6⁶ and related instructions by rule to facilitate implementation of these constitutional and statutory requirements. *See* Fla. Admin. Code R. 34-8.001 and 34-8.002; *see also* Sample Form 6 attached as Exhibit 1, Commission on Ethics, available at <https://www.ethics.state.fl.us/documents/FinancialDisclosure/SampleForm62023.pdf?cp=2024626>, last accessed June 26, 2024. Beginning January 1, 2022, a Form 6 must be filed electronically

⁶ Hereafter, the full and public disclosure of financial interests will be referred to as Form 6, unless quoted in source materials.

through the commission's electronic filing system. *See* § 112.3144(2), Fla. Stat. When it comes to completion of the Form 6 in the context of qualifying for an election, section 112.3144(4), Florida Statutes, provides:

Beginning January 1, 2022, an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement may submit a copy of the full and public disclosure of financial interests filed with the commission, or a verification or receipt of the filing, with the officer before whom he or she qualifies. *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). Notably, the statute provides that a candidate not subject to an annual filing requirement, like Plaintiff, must still complete the form electronically but should not file the Form 6 with the commission. *Id.* Instead, the candidate should print the entire Form 6 for filing with the elections qualifying officer. Guidance published by the Commission on Ethics underscores that for candidates who are not currently in a public position the Form 6 *must* be printed and filed with the elections qualifying officer, not the commission:

CANDIDATES who do not currently hold a position requiring the filing of a Form 1 or Form 6 *must* register and use the electronic filing system to complete the Form 6, then print and file the disclosure with the officer before whom they qualify at the time of qualifying. [Art. II, Sec. 8(a) and (i), Fla. Const., and Sec. 112.3144, Fla. Stat.]

Guide to the Sunshine Amendment and Code of Ethics, p. 21, Commission on Ethics, available at <https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2024625>, last accessed June 26, 2024 (emphasis added). For contrast, a current public officer who has filed his or her Form 6 receives a very different looking verification and receipt of submission that can be submitted to the elections qualifying officer. *See* Exemplar Verification and Receipt of Submission for the Hon. Pam Lynn Childers, May 30, 2024, attached as Exhibit 2.

The Commission on Ethics does not administer Florida’s Election Code and has no role in qualifying county candidates for office. *See* § 99.062(2) and (3), Fla. Stat. Therefore, while it may seem unusual to require a candidate to electronically complete a form published by the Commission on Ethics and not file it with that agency, but instead file it with an elections qualifying officer, it is logical when one considers the Commission on Ethic’s jurisdiction. Section 112.3144 and related statutes in Chapter 112, Part III are enforced by the Commission on Ethics, not election supervisors, and relate to matters governing ethical obligations, not the conduct of elections. *See* § 112.320, Fla. Stat.; *see also generally* Chapter 112, Part III, Fla. Stat.

A candidate does not qualify for placement on an election ballot because an elections officer or staff—rightly or wrongly—checks boxes on a review checklist, tells the candidate they are qualified, or emails or publishes their name on the internet. There are statutory requirements that must be met to formalize an elections officer’s ministerial review and approval of a prospective candidate qualification for election. For elections of county constitutional officers, a county supervisor of elections must submit to the Department of State “a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.” *See* § 99.092(2), Fla. Stat. Only then would a candidate be entitled to placement on the primary ballot. *See* § 101.252(1), Fla. Stat. Here, Supervisor Bender submitted to the Secretary of State the list of candidates that he qualified for local office. *See* List of Local Qualified Candidates, attached as Exhibit 3.

The timing of Florida’s election processes is statutorily driven, with little room for delay and is already underway. The attached chart lays out the current primary election deadlines. *See* Primary Election Deadlines, attached as Exhibit 4. Election officials must design, print, and have requested vote-by-mail ballots ready to mail to absent uniformed services and overseas voters by

July 5, 2024⁷. 52 U.S.C. § 20302(a)(8); § 101.62(4)(a), Fla. Stat. All other pending vote-by-mail ballot requests will begin mailing on July 11 and must be completed by July 18. § 101.62(4)(b), Fla. Stat. These deadlines are mandatory under federal and Florida law and cannot be ignored by election officials. To meet these deadlines, *the printing for these ballots has already commenced*. The ballots needed to meet the July 5 deadline have been printed in-house, and the ballots to meet the domestic vote-by-mail deadlines have already been sent to the printer. The primary election is scheduled for Tuesday, August 20, 2024. § 100.061, Fla. Stat.

If the ballots were required to have Plaintiff’s name added as a candidate for supervisor of elections, all the ballots would need to be redone, not just the Republican primary ballots. Presently, Supervisor Bender has no challenger for the primary or the general election. If Plaintiff’s name was added as a Republican opponent, the primary race for that office would be opened and all voters, not just Republican voters, would be able to vote in the primary race for Supervisor of Elections. *See* Art. VI, § 5(b), Fla. Const.

FACTS EXPECTED TO BE INTRODUCED AT HEARING

Contrary to the narrative Plaintiff seeks to advance, Supervisor Bender did not improperly remove Plaintiff’s name from the ballot. Because the decision involved a prospective candidate that was opposing Supervisor Bender, the review of Plaintiff’s qualifying papers was delegated to Sonya Daniel, Chief Deputy Supervisor of Elections for the Escambia County Elections Office.⁸ Plaintiff and his wife, Pam Childers, twice visited the Supervisor of Elections office to file papers on June 12, 2024. Plaintiff’s paperwork was processed by Ms. Daniel and Keelie Sekerka,

⁷ The actual deadline for mailing military and overseas voters’ vote-by-mail ballots is July 6, but the Business Mail Entry Unit for the United States Post Office that handles bulk mailing is closed that day.

⁸ Section 98.015(8), Florida Statutes, permits a supervisor of elections to appoint “as many deputy supervisors as are necessary . . . and who shall have the same powers and whose acts shall have the same effect as the acts of the supervisor.”

Candidate & VBM Coordinator for the Escambia County Elections Office. Initially, Plaintiff's paperwork was clocked in and copied, but it was noted that he still needed to pay the filing fee with a check drawn from his campaign account and submit his Form 6. Plaintiff and his wife subsequently returned with a check and only a photo of the first page of his Form 6 that was apparently completed on an iPad or other tablet device. *See* Filing Papers of Bruce B. Childers submitted at time of close of qualifying, attached as Exhibit 5. The remaining pages of the Form 6 were not included. *Id.*

In reviewing the documentation on June 12, 2024, Ms. Daniel and/or Ms. Sekerka had a discussion with Plaintiff and his wife concerning the missing pages including the fact that there were other candidates who utilized Apple devices that were having problems generating all the pages for the Form 6. It was also relayed to Plaintiff and his wife that the entire Form 6 was required, including the verification page. Ms. Sekerka instructed them that it would be fine to email the completed form to her. Ms. Sekerka offered to provide her email, but Plaintiff and his wife told her they already had her email address. Because it was expected that Plaintiff or his wife would email the remaining documents of the Form 6—Ms. Daniel and Ms. Sekerka treated the qualifying papers as complete. Both Ms. Daniel and Ms. Sekerka initialed and completed the checklist that aids their review of qualifying papers, but this worksheet is not a certification that a candidate has qualified.

It was not until Plaintiff's paperwork was being subsequently reviewed on June 17, 2024, after the close of qualifying, that it was discovered the remaining pages of the Form 6 had not been received and included in the file. When it was discovered, a search of the Escambia County Elections Office email system was conducted to ascertain if the email was received but overlooked or sent to a spam folder, and it was confirmed that no email providing any additional documents

of Plaintiff's Form 6 had been received. After reviewing and considering only the first Page of the Form 6 was provided, Ms. Daniel determined that Plaintiff had not qualified to run for the position of Supervisor of Elections because he did not submit a complete, verified Form 6. Ms. Daniel contacted Plaintiff by phone on June 18, 2024, and informed him that his Form 6 had not been received by the qualifying deadline, and that as a result he did not qualify to run for the position of Supervisor of Elections. Ms. Daniel also met with Plaintiff, his wife, and his financial advisor that same day in person and relayed the same information. Ms. Daniel also sent an email on June 20, 2024, informing Plaintiff of his failure to qualify to run for the position of Supervisor of Elections based upon providing an incomplete Form 6.

On June 20, 2024, the list of all the local candidates that had been qualified by the Supervisor of Elections was electronically transmitted to the Secretary of State pursuant to section 99.092(2), Florida Statutes. *See* Exhibit 3. Plaintiff's name was not on that list.

STANDARD OF REVIEW

The Court's review of the Supervisor of Election's decision not to qualify Plaintiff is cloaked with a presumption of correctness and should only be overturned if there is clear error or an overriding legal basis. *State ex rel. Siegenorf v. Stone*, 266 So. 2d 345, 346 (Fla. 1972) ("The decisions of public administrators made within the ambit of their responsibilities, and with due regard to law and due process, are presumptively correct and will be upheld, if factually accurate and absent some compelling circumstances, clear error or overriding legal basis which would indicate overruling the administrator's decision.").

Plaintiff has an extraordinary burden in his request for an injunction directing Supervisor Bender to place Plaintiff's name on the ballot as a candidate for Supervisor of Elections. *See Fla. Dep't of Health v. Florigrown, LLC*, 317 So. 3d 1101, 1110 (Fla. 2021); *State, Dep't of Health v.*

Bayfront HMA Med. Ctr., LLC, 236 So. 3d 466, 472 (Fla. 1st DCA 2018). “[A] temporary injunction is extraordinary relief that should be granted only when the party seeking the injunction has established four elements: (1) a substantial likelihood of success on the merits, (2) the unavailability of an adequate remedy at law, (3) irreparable harm absent entry of an injunction, and (4) that the injunction would serve the public interest.” *Florigrown, LLC*, 317 So. 3d at 1110. “[A] temporary injunction is an extraordinary remedy that should be granted sparingly. . . . the movant must prove each element with competent, substantial evidence. . . . clear, definite, and unequivocally sufficient factual findings must support each of the four conclusions necessary to justify entry of a preliminary injunction. If any one of the elements is not established, the trial court may not grant the injunction.” *Bayfront HMA Med. Ctr., LLC*, 236 So. 3d at 472. If this Court is inclined to grant such an injunction, it “must make specific factual findings to support each element, and those findings must be supported by competent, substantial evidence.” *DeSantis v. Fla Educ. Ass’n*, 206 So. 3d 1202, 1212 (Fla. 1st DCA 2020).

To obtain a permanent injunction, the petitioner must “establish a clear legal right, an inadequate remedy at law and that irreparable harm will arise absent injunctive relief.” [*K.W. Brown & Co. v. McCutchen*, 819 So.2d 977, 979 \(Fla. 4th DCA 2002\)](#).

ARGUMENT

I. PLAINTIFF HAS NOT AND CANNOT DEMONSTRATE ENTITLEMENT TO INJUNCTIVE RELIEF.

Preliminarily, it is unclear from Plaintiff’s Emergency Motion whether Plaintiff is seeking a preliminary injunction or a permanent injunction, or whether the Emergency Motion is intended to be an amended complaint for permanent injunctive relief. Defendant recognizes the unique procedural posture of the case, and the practical significance of the Court’s ruling on the parties. Defendant objects to these proceedings to the extent that Plaintiff is seeking to short circuit the

pleading process that requires a complaint and permits an answer and affirmative defenses so that Plaintiff may obtain a permanent injunction based upon a full trial on the merits. The grounds for Defendant’s objection include (1) the time for responding to the Complaint, filed on June 21, 2024, runs until July 8, 2024 and has not yet run, (2) Supervisor Bender has not yet answered the Complaint so that the matter is not yet at issue; (3) Plaintiff’s Emergency Motion fails to meet the pleading requirements for a complaint; (4) three days between the filing of Plaintiff’s Emergency Motion and the scheduling of the hearing is insufficient time for Supervisor Bender to conduct discovery and marshal evidence for the defense of the case, and (5) a ruling on the merits would violate Defendant’s Due Process rights. Nevertheless, it is clear under either standard that Plaintiff’s claims—whether made in the Complaint or the Motion—are built on erroneous interpretations of law, lack any cited case to support of any claim presented, and fail as a matter of law. Defendant addresses the legal insufficiency of Plaintiff’s Emergency Motion below.

a. Plaintiff does not have a substantial likelihood of success on the merits.

Plaintiff’s contention that he could only file the form with the Commission on Ethics, *see* Emergency Motion, ¶¶ 7 and 9, ignores the plain statutory language in Florida’s Code of Ethics and the Election Code. The Ethics Code plainly states “[a] candidate not subject to an annual filing requirement *does not file with the commission.*” § 112.3144(4), Fla. Stat. (emphasis added). And Florida’s Election Code requires a candidate that is not an incumbent public officer to “file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation.” § 99.062(5) and (7)(a)5, Fla. Stat. No statute absolves Plaintiff from these clear statutory obligations, and Plaintiff does not attempt to explain what these requirements might possibly mean.

As further evidence that Plaintiff misunderstands his obligations, he contends, without any citation, his Form 6 is only available publicly if and when he is elected to office, even going so far as to redact his financial information in the exhibit attached to his Motion. Emerg. Mot., ¶ 9 and Ex. C. That is entirely inconsistent with article II, section 8(a), which requires all candidates for elected constitutional offices to file a full *and public* disclosure of financial interests, and article I, section 24(a) of the Florida Constitution, which provides a right to every person to inspect and copy any public record made or received in connection with the official business, unless exempted by the constitution or duly enacted statute. Section 112.31446(6)(b), Florida Statutes, provides an exemption for “[i]nformation entered in the electronic filing system for purposes of financial disclosure,” but that exemption expires “once the disclosure of financial interests or statement of financial interests is submitted to the commission or, in the case of a candidate, filed with a qualifying officer, whichever occurs first.” Florida has required all candidates—both incumbent and prospective first-time office holders—to file a full and *public* disclosure of financial interests for more than three decades. *See* Ch. 91-107, § 32, Laws of Fla. (adding requirement for candidates to file a full and public disclosure of financial interests). The Legislature’s recent enactment that requires the Commission on Ethics to convert to electronic filing does not change this long-standing openness in government but attempts to streamline it.

Relating to statutes governing qualifying for election to office, “compliance with the statutes constitutes a condition precedent to the exercise of the rights and privileges thereof.” *State ex rel. Taylor v. Gray*, 25 So. 2d 492, 496 (Fla. 1946). In *Taylor*, Henry Jones, the would-be candidate, sent his agent with sufficient funds to cover the statutorily-set filing fee. *See id.* Upon arrival, Jones’s agent paid less than the full filing fee based upon the Secretary of State’s clerk misinforming Jones’s agent as to the amount of the filing fee. *See id.* Based upon those facts, the

Court observed “[t]he statutes evidence no indication of an intention to except anyone from their operation, or to place the duty or responsibility for compliance therewith upon anyone other than the prospective candidate himself,” and found that Jones should not be qualified for placement on the ballot. Just like *Taylor*, Plaintiff has failed to show an entitlement to have his name placed upon the ballot because he failed to comply with the clear statutory requirements.

Moreover, the time to remedy Plaintiff’s incomplete qualifying papers has passed. The Florida Supreme Court has “uniformly held that a candidate's qualification papers must be completed and filed within the time prescribed by statute, and that any errors or omissions cannot be corrected after the filing deadline has passed.” *Battaglia v. Adams*, 164 So.2d 195, 199 (1964); *see also* Op. Att’y Gen. Fla. 66-64 (1966); Op. Att’y Gen. Fla. 64-37 (1964), and Op. Att’y Gen. Fla. 52-106 (1952).

While Plaintiff may allege there is some “confusion” and “ambiguity” in how recent statutory changes are implemented, *see* Complaint, ¶ 19, none of the recent changes impact him as a potential candidate in where he must file his Form 6. Plaintiff does not allege he is a current public official that is currently or otherwise obligated to annually file a Form 6. The ability to file a verification of submission Form 6 in lieu of the Form 6 only applies to individuals who are public officers that presently file or individuals who are otherwise obligated to file a Form 6. *See* § 112.3144(4), Fla. Stat. (providing for the alternate submission of the verification or filing receipt for a Form 6 for “an incumbent in an elective office or a candidate holding another position subject to an annual filing requirement”); § 99.061(5) and (7)(a), Fla. Stat. (providing “[a] candidate who is subject to an annual filing requirement under s. 112.3144 may file a verification or receipt of electronic filing pursuant to s. 112.3144(4)” and “[a] public officer who has filed the full and public

disclosure or statement of financial interests with the Commission on Ethics before qualifying for office may file a copy of that disclosure or a verification or receipt of electronic filing”).

In fact, candidates like Plaintiff who are not public officers are expressly directed to file their Form 6 associated with qualifying for election with the qualifying officer—in this instance, Supervisor Bender—not the Commission on Ethics. *See* § 112.3144(4), Fla. Stat. (“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). Given such clarity in the statutes as it relates to candidates who are not presently public officers obligated to file a Form 6, it is unclear why Plaintiff, a licensed attorney, would be confused as to what he was obligated to file. Just like *Taylor*, Plaintiff was on notice of his obligation to submit a complete, verified copy of his Form 6 and failed to do so.

The fact that Supervisor Bender had a duty to notify Plaintiff of known deficiencies in his qualifying paperwork also does not absolve Plaintiff of his own responsibility to ensure his qualifying papers were complete. Supervisor Bender recognizes section 99.061(7)(b), Fla. Stat., places a duty on him and his staff to make “reasonable efforts” to notify all candidates of missing or incomplete items and inform candidates that all required items must be received by the close of qualifying. This, of course, presumes that Supervisor Bender or his staff were aware of the defects before the close of qualifying and failed to take reasonable steps to notify Plaintiff of these defects—allegations that are utterly absent from the Complaint. While Plaintiff appears to cast speculative aspersions as to Supervisor Bender’s *potential motive*, there is no allegation that

Supervisor Bender was involved in any decision to disqualify Plaintiff,⁹ that Supervisor Bender or any other election’s office staff knew of the error before the close of qualifying at noon on Friday, June 14, 2024, or that anyone failed to make reasonable efforts to notify Plaintiff of the known deficiency in his qualifying papers. Under Plaintiff’s reading of the statute, the responsibility for ensuring any candidate’s qualifying papers are complete is a shared responsibility of both the candidate and the qualifying officer. If that were the case, then every error that escapes a qualifying officer’s initial review effectively keeps the qualifying period open until the error is discovered. This is clearly contrary to the holding of *Taylor and Battaglia*, that imposes the obligation for timely compliance with the statutory qualifying requirements on the candidate, not the qualifying officer, *even where the qualifying officer may make a mistake*. See *Taylor*, 25 So. 2d at 496; *Battaglia*, 164 So.2d at 199.

The “reasonable effort” requirement also does not authorize an implied exception to the detailed qualifying framework established by the Legislature. If the Legislature had intended to allow Supervisors to receive qualifying papers after the end of the qualifying period, then it could and would have made that exception explicit. It would not have left this authority to discretion and implication. See *Merrill v. Milligan*, 142 S. Ct. 879, 880–81 (2022) (Kavanaugh, J., concurring) (explaining the “bedrock tenet of election law” that, when “an election is close at hand, the rules of the road must be clear and settled”).

Section 99.061 establishes a detailed framework with clear, bright-line, imperative rules. It establishes the qualifying period and then provides that, “[i]n order for a candidate to be qualified, the following items must be received by the filing officer *by the end of the qualifying*

⁹ Plaintiff appears to acknowledge this fact, recognizing that they dealt with Sonya Daniel, the Chief Deputy Supervisor and admit they have no knowledge that he was involved in the review of Plaintiff’s qualifying papers. See Complaint, ¶ 1-5.

period.” § 99.061(7)(a), Fla. Stat. (emphasis added). The Legislature knows how to create exceptions and has done so. *See id.* § 99.061(8), Fla. Stat. (“Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.”). The statute also makes clear that the Supervisor’s role is ministerial; the Supervisor does not have discretion to accept qualifying papers after the qualifying period, no matter the reason. *See id.* § 99.061(7)(c) (“The filing officer performs a ministerial function in reviewing qualifying papers.”). We recognize that this may have seemingly harsh consequences, but the Legislature has not created any exception that would permit Supervisor Bender or this Court to place Plaintiff’s name on the ballot, despite not meeting the statutory requirements to qualify to run for office.

“The law is the law.” *DTRS Intercontinental Miami, LLC v. A.K. Gift Shop, Inc.*, 77 So. 3d 785, 787 (Fla. 3d DCA 2011) (citation omitted). Courts may not “carve exceptions into an otherwise clear and imperative statute.” *Id.* To do so would be an abrogation of legislative power in violation of our constitutional structure of checks and balances.

State v. Brena, 278 So. 3d 850, 855 (Fla. 3d DCA 2019).

Plaintiff’s contention that he was retroactively disqualified is also without merit. As a matter of law, he was never qualified because his name was not among the list of names of those candidates who were qualified were submitted to the Secretary of State. *See* Exhibit 3; and § 99.092(2), Fla. Stat. Thus, this Court is not in a position to place him *back* on the ballot because he never qualified for placement on the ballot in the first instance. *See id.*; and § 101.252(1), Fla. Stat.

Although Plaintiff does not appear to argue that he substantially complied with the statutory requirements for qualification, the facts of this present case are in stark contrast to those cases

where courts have permitted a candidate to be placed on the ballot based upon substantial compliance. For example, in *State ex rel. Siegenderf v. Stone*, a candidate completed all the basic requirements for qualifying; however, he stated that he was running for group “3” instead of specifying “county judge” on his oath. 266 So. 2d 345, 347 (Fla. 1972). “Literal and ‘total compliance’ with statutory languages which reached hypersensitive levels, and which strains the quality of justice is not required to fairly and substantially meet the statutory requirement to qualify as a candidate for public office.” *Id.* at 346. In making this ruling, the Court distinguished that case from *State ex rel. Taylor v. Gray*, 25 So. 2d 492 (Fla. 1946); *State ex rel. Vining v. Gray*, 17 So. 2d 228 (Fla. 1941); and *State ex rel. Brobston v. Culbreath*, 168 So. 244 (Fla. 1936), which “dealt with a Lack of a basic qualifying requirement, i.e., paying a proper fee, the filing of necessary qualifying papers and registering to vote, respectively.” *Siegenderf*, 266 So. 2d at 347, n. 3.

Similar to *Siegenderf*, another candidate had her qualifying form notarized, but the notary mistakenly put “Florida” on the notary line that asked for county. *Browning v. Young*, 993 So. 2d 64, 65 (Fla. 1st DCA 2008). The First District Court of Appeal held that her financial disclosure complied with the statutory requirements of qualifying. *Id.* at 67. There was no contention that she failed to report or disclose any of her financial interests. *Id.* Because her form contained all the required financial information, the candidate substantially complied with the election laws. *Id.*

The present case is more like those cases where there was a clear failure to comply with the express statutory requirements. See e.g., *Boatman v. Hardee*, 254 So. 3d 604 (Fla. 1st DCA 2018) (declining to apply the substantial compliance doctrine to an applicant’s use of a cashier’s check because the statute specifically required a check drawn upon his campaign account, and the error was wholly in his control); *Sancho v. Joanos*, 715 So. 2d 382, 385 (Fla. 1st DCA

1998)(holding candidate who failed to file qualifying papers as required by statute was not entitled to placement on the ballot). Like *Taylor*, *Boatman*, and *Joanos*, Plaintiff failed to include his complete verified Form 6, an explicit requirement of the statute. See § 99.061(5) and (7)(a)5, Fla. Stat.

For the foregoing reasons, this Court should deny the Emergency Motion because Plaintiff is unlikely to succeed on the merits.

b. Granting Plaintiff’s request for an injunction would not serve the public interest.

Plaintiff asserts that the “[p]ublic interest would not be disrupted or disserved in any way” if the Court directs his name to be placed on the ballot at this time. This shows a remarkable absence of understanding of the present election schedule—some might say ironically since he is seeking to challenge the current elections administrator. The primary ballots have already been printed in order to meet the deadline for mailing vote-by-mail ballots to military and overseas voters on July 5. The deadline for mandatory domestic vote-by-mail ballots requires them to be mailed no later than July 18. Even if the Court were to direct such a ruling and could issue its written specific findings expeditiously, even the very same day, it would not be feasible to go through the ballot redesign, printing, and envelope stuffing processes and still comply with the statutorily mandated July 5 deadline. Moreover, there are even greater number of domestic vote-by-mail ballots that, after the new ballot design is finalized, would need to be printed, stuffed, and mailed no later than July 18. This does not even account for the hit to the public fisc from having to redesign and reprint ballots and attempting to do so on an even more expedited basis.

If this Court were to order the placement of Plaintiff’s name on the ballot, it is no understatement that it would not just wreak havoc on the local Republican primary election for supervisor of elections but would have reverberating impacts for all local elections as well as

statewide. *All primary ballots in Escambia County* would be impacted, not just Republican ballots, because the primary election for supervisor of elections would be open to all county voters, regardless of party. *See* Art. VI, § 5(b), Fla. Const. (“If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.”) As a result, every election in which Escambia County voters are asked to elect primary candidates, including ballots involving statewide and regional races like primary elections for United States Senate and United States Representative, would be impacted. This is not simply placing a name on a ballot—it requires every primary ballot to be redesigned for every precinct and reprinted. When weighing the public interest, disrupting the State’s primary electoral processes, missing mandatory deadlines, and increasing the risk of error that hasty changes made late in the election process are the likely costs that would result from adding Plaintiff’s name to the ballot at this juncture. Paying those costs in order to correct Plaintiff’s oversight is simply not justified.

CONCLUSION

For the foregoing reasons, Defendant, Robert D. Bender, Escambia County Supervisor of Elections, requests this Court to deny Plaintiff’s Emergency Motion for Injunctive Relief.

Respectfully submitted,

/s/ George T. Levesque _____
George T. Levesque
Florida Bar No. 55551
GRAYROBINSON, P.A.
301 S. Bronough Street, Suite 600
Tallahassee, Florida 32301
Telephone: (850) 577-9090
Facsimile: (850) 577-3311
Attorney for Defendant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 27th day of June, 2024, a true and correct copy of the forgoing was electronically filed using the Florida Courts E-Filing Portal which shall serve a copy via email on all counsel of record and interested parties.

/s/ George T. Levesque
George T. Levesque

EXHIBIT 1

General Information

Name: DISCLOSURE FILER
 Address: SAMPLE ADDRESS PID SAMPLE
 County: SAMPLE COUNTY

AGENCY INFORMATION

Organization	Suborganization	Title
SAMPLE	SAMPLE	SAMPLE

Net Worth

My Net Worth as of December 31, 2023 was \$ [AMOUNT].

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is N/A.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

Description of Asset	Value of Asset

Liabilities		
LIABILITIES IN EXCESS OF \$1,000:		
Name of Creditor	Address of Creditor	Amount of Liability
JOINT AND SEVERAL LIABILITIES NOT REPORTED ABOVE:		
Name of Creditor	Address of Creditor	Amount of Liability

Income			
Identify each separate source and amount of income which exceeded \$1,000 during the year, including secondary sources of income. Or attach a complete copy of your 2022 federal income tax return, including all W2s, schedules, and attachments. Please redact any social security or account numbers before attaching your returns, as the law requires these documents be posted to the Commission's website.			
<input type="checkbox"/> I elect to file a copy of my 2023 federal income tax return and all W2s, schedules, and attachments.			
PRIMARY SOURCES OF INCOME:			
Name of Source of Income Exceeding \$1,000	Address of Source of Income	Amount	
SECONDARY SOURCES OF INCOME (Major customers, clients, etc. of businesses owned by reporting person):			
Name of Business Entity	Name of Major Sources of Business Income	Address of Source	Principal Business Activity of Source

Interests in Specified Businesses

Business Entity # 1

Training

Based on the office or position you hold, the certification of training required under Section 112.3142, F.S., is not applicable to you for this form year.

Signature of Reporting Official or Candidate

Under the penalties of perjury, I declare that I have read the foregoing Form 6 and that the facts stated in it are true.

Digitally signed:

Filed with COE:

EXHIBIT 2

Ashley Lukis
Chair
Michelle Anchors
Vice Chair
William P. Cervone
Tina Descovich
Freddie Figgers
Luis M. Fusté
Wengay M. Newton, Sr.
Jim Waldman



State of Florida
COMMISSION ON ETHICS
P.O. Drawer 15709
Tallahassee, Florida 32317-5709

Kerrie J. Stillman
Executive Director

Steven J. Zuilkowski
*Deputy Executive Director/
General Counsel*

(850) 488-7864 Phone
(850) 488-3077 (FAX)
www.ethics.state.fl.us

325 John Knox Road
Building E, Suite 200
Tallahassee, Florida 32303

"A Public Office is a Public Trust"

**VERIFICATION AND RECEIPT OF SUBMISSION
TO THE ELECTRONIC FINANCIAL DISCLOSURE FILING SYSTEM**

This Verification and Receipt of Submission acknowledges that the Commissions on Ethics received a submission through its electronic financial disclosure filing system.

Filer Name: Hon Pam Lynn Childers CPA ✓
Filer PID #: 244325

Date Filed: 5/30/2024 ✓
Disclosure Received: 2023 Full and Public Disclosure of Financial Interests ✓
Filing ID: 958664

Frank

24 JUN 10 12:03pm

Receipt Print Date: 5/30/2024

The foregoing is a true and accurate depiction of information contained in the electronic financial disclosure filing system held by the Florida Commission on Ethics.

This Verification and Receipt of Submission complies with Sections 112.3144(4) and 112.3145(2)(c), Florida Statutes, and, in accordance with those statutes, it may be presented to any qualifying officer by an incumbent in an elective office or any candidate holding another position subject to an annual filing requirement.

This Verification and Receipt of Submission is not a certification that the form submitted is complete or that the information entered in the form by the filer is true or correct. This Verification and Receipt of Submission is system generated, is created automatically, and its issuance does not indicate that the submission by the filer has been reviewed by Commission staff.

To see the filer's disclosure, visit <https://disclosure.floridaethics.gov/PublicSearch/Filings>. For questions regarding this Verification and Receipt of Submission, please contact the Florida Commission on Ethics at (850) 488-7864.

EXHIBIT 3

**Florida Department of State, Division of Elections
Office Detail Report**

Escambia County

2024 General Election

Clerk of the Circuit Court and Comptroller

Name: Childers, Pam

Account: 86471 Incumbent: Y

Address: 

Party: Republican Party of Florida

Status: Qualified

Ballot: Paid Qualifying Fee

Sheriff

Name: Miller, Tyler Vincent

Account: 88516 Incumbent: N

Address: 5628 Scotland Terrece
Pensacola, FL, 32526

Party: Republican Party of Florida

Status: Withdrew

Ballot: Not Applicable

Name: Simmons, Chip W.

Account: 86289 Incumbent: Y

Address: 

Party: Republican Party of Florida

Status: Qualified

Ballot: Paid Qualifying Fee

Property Appraiser

Name: Jones, Chris Colley

Account: 88510 Incumbent: Y

Address: 5430 Primrose Drive
Pensacola, FL, 32504

Party: Florida Democratic Party

Status: Did Not Qualify

Ballot: Not Applicable

Name: Peters, Gary "Bubba"

Account: 88116 Incumbent: N

Address: 530 Tillage Drive
Cantonment, FL, 32533

Party: Republican Party of Florida

Status: Qualified

Ballot: Paid Qualifying Fee

**Florida Department of State, Division of Elections
Office Detail Report**

Tax Collector

Name: Lunsford, Scott

Account: 86625 Incumbent: Y

Address: 

Party: Republican Party of Florida

Status: Qualified

Ballot: Paid Qualifying Fee

Supervisor of Elections

Name: Bender, Robert

Account: 86447 Incumbent: Y

Address: 2303 Malysa Place
Pensacola, FL, 32504

Party: Republican Party of Florida

Status: Qualified

Ballot: Paid Qualifying Fee

Name: Childers, Bruce

Account: 87475 Incumbent: N

Address: 

Party: Republican Party of Florida

Status: Did Not Qualify

Ballot: Paid Qualifying Fee

Name: McDaniels, Stan V

Account: 88508 Incumbent: N

Address: 5931 Mona Lane Apt B
Pensacola, FL, 32504

Party: Libertarian Party of Florida

Status: Did Not Qualify

Ballot: Not Applicable

Name: Peterson, William E

Account: 88507 Incumbent: N

Address: 5141 West Jackson Street
Pensacola, FL, 32506

Party: No Party Affiliation

Status: Did Not Qualify

Ballot: Not Applicable

Name: Young, Carrie Elizabeth

Account: 88504 Incumbent: N

Address: 3838 Belle Meade Court Apt A
Pensacola, FL, 32503

Party: Florida Democratic Party

Status: Withdrew

Ballot: Not Applicable

Florida Department of State, Division of Elections
Office Detail Report

County Commissioner, District 1	
Name: Aulger, Tyler Jon Address: 5947 Huntington Creek Blvd Pensacola, FL, 32526	Account: 87438 Incumbent: N Party: Write-In Status: Qualified Ballot: Write In Candidate
Name: Bergosh, Jeff Address: 5905 Forest Ridge Circle Pensacola, FL, 32526	Account: 86809 Incumbent: Y Party: Republican Party of Florida Status: Qualified Ballot: Petition Signatures Collected
Name: Casey, Jesse E. Address: 6783 Mobile Highway Pensacola, FL, 32526	Account: 87640 Incumbent: N Party: Republican Party of Florida Status: Qualified Ballot: Paid Qualifying Fee
Name: Smith, Justin Address: 6132 Suntan Circle Pensacola, FL, 32526	Account: 88284 Incumbent: N Party: Write-In Status: Qualified Ballot: Write In Candidate
Name: Stroberger, Steve Address: 16787 Innerarity Point Rd Pensacola, FL, 32507	Account: 86287 Incumbent: N Party: Republican Party of Florida Status: Qualified Ballot: Petition Signatures Collected

Florida Department of State, Division of Elections
Office Detail Report

County Commissioner, District 3

Name: Johnson, John R

Account: 88511 Incumbent: N

Address: 1805 West Maxwell Street
Pensacola, FL, 32501

Party: Republican Party of Florida

Status: Did Not Qualify

Ballot: Not Applicable

Name: May, Lumon

Account: 87642 Incumbent: Y

Address: 609 West Blount Street
Pensacola, FL, 32501

Party: Florida Democratic Party

Status: Qualified

Ballot: Petition Signatures Collected

Name: McDaniels, Stan Victor

Account: 88514 Incumbent: N

Address: 4511 Charmonte Way
Pensacola, FL, 32505

Party: Libertarian Party of Florida

Status: Withdrew

Ballot: Not Applicable

Florida Department of State, Division of Elections
Office Detail Report

County Commissioner, District 4

Name: Helms, Ron	Account: 86495 Incumbent: N
Address: 1704 East Moreno Street	Party: Florida Democratic Party
Pensacola, FL, 32503	Status: Qualified
	Ballot: Petition Signatures Collected
Name: Hofberger, Ashlee	Account: 86446 Incumbent: N
Address: 3640 Menendez Drive	Party: Republican Party of Florida
Pensacola, FL, 32503	Status: Qualified
	Ballot: Petition Signatures Collected
Name: Mitchell, Buck	Account: 87507 Incumbent: N
Address: 2381 Inverness Drive	Party: Republican Party of Florida
Pensacola, FL, 32503	Status: Qualified
	Ballot: Petition Signatures Collected
Name: Wilson, Walker	Account: 87515 Incumbent: N
Address: 4410 Chula Vista	Party: Republican Party of Florida
Pensacola, FL, 32504	Status: Qualified
	Ballot: Petition Signatures Collected

**Florida Department of State, Division of Elections
Office Detail Report**

County Commissioner, District 5	
Name: Barry, Steven Address: 10975 Country Ostrich Drive Pensacola, FL, 32534	Account: 86684 Incumbent: Y Party: Republican Party of Florida Status: Qualified Ballot: Petition Signatures Collected
Name: Hillburn, James Thomas Address: 216 Millet Circle Cantonment, FL, 32533	Account: 88512 Incumbent: N Party: Republican Party of Florida Status: Did Not Qualify Ballot: Not Applicable
Name: Lopez, Rafael Ismael Address: 1640 Phalrose Lane Cantonment, FL, 32533	Account: 88509 Incumbent: N Party: No Party Affiliation Status: Did Not Qualify Ballot: Not Applicable
Name: Roberson, Joshua S. Address: 6747 Highway 99 Molino, FL, 32577	Account: 88281 Incumbent: N Party: No Party Affiliation Status: Qualified Ballot: Paid Qualifying Fee
Name: Taylor Jr, John Edwin Address: 1760 Jack Branch Road Cantonment, FL, 32533	Account: 88505 Incumbent: N Party: Republican Party of Florida Status: Did Not Qualify Ballot: Not Applicable

Florida Department of State, Division of Elections
Office Detail Report

Emerald Coast Utilities Authority, District 1

Name: Campbell, Vicki H.	Account: 86277 Incumbent: Y
Address: 3050 Concho Drive	Party: Republican Party of Florida
Pensacola, FL, 32507	Status: Qualified
	Ballot: Petition Signatures Collected

Name: Faxlanger, Jim	Account: 87502 Incumbent: N
Address: 4159 Erika Ct	Party: Republican Party of Florida
Pensacola, FL, 32526	Status: Qualified
	Ballot: Petition Signatures Collected

Emerald Coast Utilities Authority, District 3

Name: Romagnano, Chase Anderson "Andy"	Account: 86286 Incumbent: N
Address: 31 Murphy Lane	Party: Florida Democratic Party
Pensacola, FL, 32505	Status: Qualified
	Ballot: Paid Qualifying Fee

Name: Williams, Larry	Account: 86951 Incumbent: Y
Address: 6410 Dunbar Road	Party: Florida Democratic Party
Pensacola, FL, 32505	Status: Qualified
	Ballot: Paid Qualifying Fee

Emerald Coast Utilities Authority, District 5

Name: Stephens, Kevin W.	Account: 87419 Incumbent: Y
Address: 9655 N Barth Road	Party: Republican Party of Florida
Molino, FL, 32577	Status: Qualified
	Ballot: Paid Qualifying Fee

Florida Department of State, Division of Elections
Office Detail Report

County Court Judge, Group 4

Name: Lightel, Kristina Denise

Account: 85158 Incumbent: Y

Address:



Party: NonPartisan

Status: Qualified

Ballot: Paid Qualifying Fee

County Court Judge, Group 5

Name: Smith, Kerra A.

Account: 85063 Incumbent: Y

Address:




Party: NonPartisan

Status: Qualified

Ballot: Paid Qualifying Fee

Florida Department of State, Division of Elections
Office Detail Report

School Board, District 4	
Name: Bergosh, Carissa	Account: 86861 Incumbent: N
Address: 	Party: NonPartisan
	Status: Qualified
	Ballot: Paid Qualifying Fee
Name: Holz knecht, Rich	Account: 88133 Incumbent: N
Address: 6533 Terrasanta	Party: NonPartisan
Pensacola, FL, 32504	Status: Qualified
	Ballot: Petition Signatures Collected
Name: McAuley, Earle	Account: 87568 Incumbent: N
Address: 2133 Copley Drive	Party: NonPartisan
Pensacola, FL, 32503	Status: Qualified
	Ballot: Paid Qualifying Fee
Name: Ranelli, Brian	Account: 87560 Incumbent: N
Address: 4575 Balmoral Dr	Party: NonPartisan
Pensacola, FL, 32504	Status: Qualified
	Ballot: Paid Qualifying Fee

Florida Department of State, Division of Elections
Office Detail Report

School Board, District 5	
Name: Harrell, Tom Address: 946 Deedra Ave Pensacola, FL, 32514	Account: 86283 Incumbent: N Party: NonPartisan Status: Qualified Ballot: Petition Signatures Collected
Name: Luther, Joshua Address: 990 Nowak Rd Cantonment, FL, 32533	Account: 86523 Incumbent: N Party: NonPartisan Status: Qualified Ballot: Petition Signatures Collected
Name: Taylor, Jim A. "Andy" Address: 551 Carmody Hill Rd Cantonment, FL, 32533	Account: 86943 Incumbent: N Party: NonPartisan Status: Qualified Ballot: Paid Qualifying Fee
Name: Taylor, Scott Address: 3919 Hendricks Lane Molino, FL, 32577	Account: 88515 Incumbent: N Party: NonPartisan Status: Withdrew Ballot: Not Applicable
Escambia Soil and Water Conservation District, Group 2	
Name: Odom, Johnnie Lamar Address: 3937 Dunwoody Drive Pensacola, FL, 32503	Account: 88087 Incumbent: Y Party: NonPartisan Status: Qualified Ballot: Paid Qualifying Fee

**Florida Department of State, Division of Elections
Office Detail Report**

Escambia Soil and Water Conservation District, Group 4

Name: DeWeese, Norman Jeffrey	Account: 88072 Incumbent: N
Address: 2435 Semoran Drive	Party: NonPartisan
Pensacola, FL, 32503	Status: Qualified
	Ballot: Paid Qualifying Fee

Name: Taylor, Carollyn Rabeca	Account: 88506 Incumbent: N
Address: 2520 Celtic Circle	Party: NonPartisan
Pensacola, FL, 32503	Status: Did Not Qualify
	Ballot: Not Applicable

Name: Tharp, Travis	Account: 88068 Incumbent: Y
Address: 7310 Tippin Ave	Party: NonPartisan
Pensacola, FL, 32504	Status: Qualified
	Ballot: Paid Qualifying Fee

Santa Rosa Island Authority

Name: Campanella, Thomas A	Account: 88081 Incumbent: N
Address: 106 Siguenza Drive	Party: NonPartisan
Pensacola Beach, FL, 32561	Status: Qualified
	Ballot: Paid Qualifying Fee

Name: Johnson, Jeremy	Account: 87372 Incumbent: Y
Address: 41 Calle Marbella	Party: NonPartisan
Pensacola, FL, 32561	Status: Qualified
	Ballot: Paid Qualifying Fee

EXHIBIT 4

Primary Election	Activity	Legal Reference
Saturday, July 6, 2024	Last day to mail UOCAVA ballots (BMEU closed on 7/6-must mail 7/5)	F.S. 101.62
Thursday, July 11, 2024	Deadline to mail notice of L&A test to candidates and party chairs	F.S. 101.5612
Thursday, July 11, 2024	Beginning of mandatory window to mail domestic ballots	F.S. 101.62
Thursday, July 18, 2024	Close of mandatory window to mail domestic VBM ballots	F.S. 101.62
Sunday, July 21, 2024	Deadline to designate EV sites and provide address, dates, and hours to DOE	F.S. 101.69 (2)(b)
Sunday, July 21, 2024	Deadline to designate secure ballot intake stations and provide address, dates, and hours to DOE	F.S. 101.657
Monday, July 22, 2024	Deadline to register and change party (Book closing)	F.S. 97.055
Wednesday, July 24, 2024	County Logic and Accuracy test of equipment	
Saturday, July 27, 2024	Deadline to submit poll watchers for EV	F.S. 101.131
Monday, July 29, 2024	County to begin canvassing VBM Ballots	
Wednesday, July 31, 2024	Deadline to appoint poll workers	F.S. 102.012
Saturday, August 3, 2024	Deadline to provide poll watcher badges for EV	F.S. 101.131
Tuesday, August 6, 2024	Deadline to submit poll watchers for ED	F.S. 101.131
Wednesday, August 7, 2024	Deadline to notify UOCAVA voters of General Election	F.S. 100.025
Thursday, August 8, 2024	Last day to request a VBM be mailed	F.S. 101.62
Saturday, August 10, 2024	First day of Early Voting - 9 a.m. to 6 p.m.	F.S. 101.657
Saturday, August 17, 2024	Last day of Early Voting	F.S. 101.657
Tuesday, August 20, 2024	Election Day	F.S. 100.061
Thursday, August 22, 2024	Process VBM Cures	F.S. 101.68(4)
Thursday, August 22, 2024	Process provisional ballots	F.S. 101.048, Rule 1S.2.037
Friday, August 23, 2024	Deadline to file first unofficial results with DOS	F.S. 102.141
Sunday, August 25, 2024	Deadline to file second unofficial results with DOS	F.S. 102.141
Tuesday, August 27, 2024	Certify and audit the election	
Wednesday, August 28, 2024	Deadline to file official results with DOS	F.S. 102.112

EXHIBIT 5



Robert D. Bender
 ESCAMBIA COUNTY
 SUPERVISOR OF ELECTIONS

Post Office Box 12601
 Pensacola, FL 32591-2601
 EscambiaVotes.gov

Phone: (850) 595-3900
 Fax: (850) 595-3914
 scoe@escambiavotes.gov

24 JUN 12 2:36 PM

Bruce Childers

Supervisor of Elections

Candidate Name

Office Seeking 2024 Election

Candidate Received Instructions and/or materials on the following:

- Given link to access Candidate Handbook online.
 Escambia County Handbook: <https://escambiavotes.gov/running-for-office>
 Division of Elections Handbook: <http://dos.fl.gov/elections/forms-publications/>
- Provided access to Florida Statutes Chapter 106 – Campaign Financing and Form DS-DE 84 due within 10 days of pre-filing. Also, Chapter 104 which refers to Violations and Penalties.
<http://dos.fl.gov/elections/laws-rules/law-resources/>
<http://dos.fl.gov/elections/forms-publications/>
- Cybersecurity link's for Campaigns: <https://www.belfercenter.org/CyberPlaybook>
<https://www.dhs.gov/sites/default/files/publications/DHS%20Campaign%20Checklist%20FINAL%20October.pdf>
- Informed of Online Campaign Reports and due dates. Gave report due dates schedule. (Frequency of Campaign Reports will change - see Schedule) ID, Pin(s) and Password will be sent through US Mail.
- Contributions: As of November 1, 2013, \$1,000 aggregate limit to include check, cash and in-kind; \$50 Cash Limit (to include candidate); Contributions from joint checking account is from the person who signed the check. Each contribution, no matter how small shall include address and if over \$100 must include specific occupation (cannot list business owner or sales, etc. – must list specific type of business. Also, contributions/loans from candidates must be listed. If over \$100, must list occupation. Cannot list occupation as "candidate").
- Expenditures: All transactions should go through campaign account. Must list address and purpose for each expenditure.
- Informed Candidate of the requirement that all printed materials should contain Political Disclaimers, samples are included in handbooks.
- Informed Candidate that the News Media will be notified.

<i>6/21/24 (PI)</i>
<i>6/12/24</i>

Due Date of First Campaign Report

Due Date of Statement of Candidate Form (if not turning in at pre-filing)

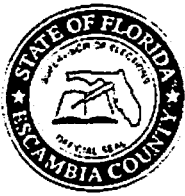
Bruce Childers 6-12-24

Candidate (or Representative) Signature and Date

brucebchilders@gmail.com

Email Address for Report Notices and Candidate Information – checked on a regular basis.

Email Address for Treasurer if not candidate. *Supervisor of Elections*



Robert J. Bender
 ESCAMBIA COUNTY
 SUPERVISOR OF ELECTIONS

Post Office Box 12301
 Pensacola, FL 32591-2601
 EscambiaVotes.gov

Phone: (850) 595-3900
 Fax: (850) 595-3914
 soe@escambiovotes.gov

Important Dates for Candidates

2024 Election Dates <i>Presidential Preference Primary: March 19, 2024</i> <i>Primary Election: August 20, 2024</i> <i>General Election: November 5, 2024</i>	
Qualifying Dates	
Federal & Judicial Offices <i>Noon, April 22, 2024 – Noon, April 26, 2024</i> <i>1st Day to accept qualifying papers early is April 08, 2024</i> <i>(14 days prior to beginning of qualifying)</i>	State & Local Offices <i>Noon, June 10, 2024 – Noon, June 14, 2024</i> <i>1st Day to accept qualifying papers early is May 27, 2024</i> <i>(14 days prior to beginning of qualifying)</i>
Petition Submit Deadline	
Federal & Judicial Offices <i>Date Pre-filed until Noon, March 25, 2024</i>	State & Local Offices <i>Date Pre-filed until Noon, May 13, 2024</i>
Voter Registration (Book Closing) Deadline	
<i>Presidential Preference Primary: February 20, 2024</i> <i>Primary Election: July 22, 2024</i> <i>General Election: October 07, 2024</i> <i>(F.S. 97.055 – on the 29th day before each election)</i>	
Vote-By-Mail Ballot “Send” Deadline	
For Absent Stateside, Overseas Military & Overseas Civilian Voters <i>Presidential Preference Primary: February 3, 2024</i> <i>Primary Election: July 6, 2024</i> <i>General Election: September 21, 2024</i>	For Domestic Voters (7-day window) <i>Presidential Preference Primary: February 8 - 15</i> <i>Primary Election: July 11 – 18, 2024</i> <i>General Election: September 26 – Oct. 3, 2024</i>

**STATEMENT OF
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

'24 JUN 12 2:36PM

I, BRUCE CHILDERS,

candidate for the office of SUPERVISOR OF ELECTIONS

have been provided access to read and understand the requirements of
Chapter 106, Florida Statutes.

X Bruce Childers
Signature of Candidate

6-4-24
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

2023 Form 6 - Full and Public Disclosure of Financial Interests

General Information

Name: Mr Bruce Barton Childers ✓
Address: 2405 HALLMARK DR, PENSACOLA, FL 32503
County: Escambia

Organization	Suborganization	Title
N/A		

CANDIDATE FOR

Position	Agency Name	Position sought or held
Supervisor of Elections	Supervisor of Elections, Escambia County	Supervisor of Elections, Escambia County

Net Worth

My Net Worth as of December 31, 2023 was \$ 4,461,673.00.

Assets

Household goods and personal effects may be reported in a lump sum if their aggregate value exceeds \$1,000. This category includes any of the following, if not held for investment purposes: jewelry; collections of stamps, guns, and numismatic items; art objects; household equipment and furnishings; clothing; other household items; and vehicles for personal use, whether owned or leased.

The aggregate value of my household goods and personal effect is \$ 220,250.00.

ASSETS INDIVIDUALLY VALUED AT OVER \$1,000:

CANDIDATE OATH
STATE AND LOCAL PARTISAN OFFICE
WITH PARTY AFFILIATION

24 JUN 12 2:36 PM

OFFICE USE ONLY

Candidate Oath

Name to appear on ballot: BRUCE CHILDERS

Check box if two last names without hyphen. (Name cannot be changed after qualifying.)

Check box if name includes nickname. (For use of a nickname, you must complete the Nickname Affidavit on reverse side.)

I swear or affirm that I am a candidate for the office of SUPERVISOR OF ELECTIONS, _____
(Office) (District #)

_____; I am a qualified elector of ESCAMBIA County, Florida;
(Circuit #) (Group or Seat #)

I am a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Statement of Party

I swear or affirm that I am a member of the REPUBLICAN Party; I have been a registered member of this political party, for which I am seeking nomination as a candidate, for 365 days before the beginning of qualifying preceding the general election for which I seek to qualify; and I have paid the assessment levied against me, if any, by the executive committee of the above-stated political party.

Statement of Outstanding Fines, Fees, or Penalties

I owe outstanding fines, fees, or penalties, that cumulatively exceed \$250, for ethics or campaign finance violations (s. 99.021(1)(d), F.S.).

YES, I Do _____ NO, I Do Not

If you do, you must also specify the amount owed and each entity that levied the same on the reverse side.

X Bruce Childers (850) 221-8080 brucebchilders@gmail.com
Signature of Candidate Telephone Number Email Address

2405 HALLMARK DR. PENSACOLA FL 32503
Address of Legal Residence City State ZIP Code

STATE OF FLORIDA

COUNTY OF ESCAMBIA

Brenda Van Brussel
Signature of Notary Public
Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means of
online notarization OR physical presence

this 11th day of June, 2024.

Personally Known OR Produced Identification

Type of Identification Produced: _____



Brenda Van Brussel
Comm. #HH061684
Expires: Feb. 21, 2025
Bonded Thru Aaron Notary

Phonetic Spelling of Name

Phonetic spelling for the audio ballot (not required for qualifying purposes): Print the name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (see instructions on page 3 of this form):

Statement of Outstanding Fines, Fees or Penalties

Pursuant to Section 99.021(1)(d), F.S., each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, shall, at the time of subscribing to the oath or affirmation, state in writing whether he or she owes any outstanding fines, fees, or penalties that cumulatively exceed \$250 for any violations of s. 8, Art. II of the State Constitution, the Code of Ethics for Public Officers and Employees under part III of chapter 112, any local ethics ordinance governing standards of conduct and disclosure requirements, or chapter 106.

Amount	Entity
N/A	

Affidavit of Nickname (Only required if using nickname for the ballot.)

My legal name is BRUCE BARTON CHILDERS. I am over the age of eighteen (18) and the contents of this affidavit are true and correct.

My nickname is N/A. I am generally known by this nickname or have used it as part of my legal name. I have not created the nickname to mislead voters. My nickname does not imply I am some other person, constitute a political slogan or otherwise associate me with a cause or issue, or that is obscene or profane.

Signature of Candidate: Bruce Childers

STATE OF FLORIDA
COUNTY OF ESCAMBIA

Brenda Van Brussel
Signature of Notary Public

Print, Type, or Stamp Commissioned Name of Notary Public below:

Sworn to (or affirmed) and subscribed before me by means of online notarization OR physical presence this 11th day of June, 2024.
Personally Known OR Produced Identification

Type of Identification Produced: _____



Brenda Van Brussel
Comm. #HH061684
Expires: Feb. 21, 2025
Bonded Thru Aaron Notary

157709

CASH RECEIPT

ESCAMBIA COUNTY

PENSACOLA, FLORIDA

DATE: June 12, 2024

RECEIVED FROM: Bruce Childers
NAME

2405 Hallmark Dr
ADDRESS

Pensacola, FL 32503

\$ 9,735⁴⁸

DOLLARS AND CENTS

DESCRIPTION	CODE	AMOUNT
<u>Qualifying Fee</u>		<u>\$9,735.48</u>

SIGNED: [Signature]
NAME OF OFFICER

TOTAL 9,735.48

BY: _____

NOTE: The original of this receipt to be issued to the payee, the duplicate to be filed in the Clerk's Treasury Department as the Deposit File Copy and the third copy to remain in this book as a permanent record of the office issuing the receipt.


FSI CS 168

BRUCE CHILDERS CAMPAIGN ACCOUNT
2405 HALLMARK DR
PENSACOLA FL 32503-3408
850-221-8080

DATE 6-12-24 9001

Pay to the Order of Board of County Commissioners 9,735⁴⁸

Nine thousand seven hundred thirty five 48/100 DOLLARS

 **SmartBank**
WWW.SMARTBANK.COM

MEMO Qualifying Fee Bruce Childers AP

SECURITY FEATURES INCLUDED. DETAILS ON BACK.