

PAM CHILDERS  
CLERK & COMPTROLLER  
FILED

2024 JUN 24 A 9:25  
ESCAMBIA COUNTY, FL

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

**In re: BRUCE CHILDERS,**

Plaintiff

vs.

**Case No: 2024 CA 000816**

**ROBERT BENDER,**

**DIVISION: N**

Supervisor of Elections,

Defendant.

---

**EMERGENCY EX PARTE MOTION FOR ORDER TO SHOW CAUSE**

COMES NOW the Plaintiff/Petitioner, BRUCE CHILDERS, and respectfully requests this Court for an Emergency Ex Parte Order to Show Cause on an expedited basis and for a hearing on that Order, and as grounds states:

1. Plaintiff/Petitioner (Petitioner) realleges those facts found in his original Petition for Emergency Writ of Mandamus and for Declaratory Judgment filed before this Court on June 21, 2024. Petitioner regrets burdening this Court, but due to the fact time is of the essence, as detailed below, Petitioner brings this action.
2. This matter comes before this Court for an Emergency Order to Show Cause and for an expedited hearing. Petitioner, in seeking this Order and hearing, is requesting that he be deemed "Qualified" to be on the ballot for Supervisor of Elections in Escambia County, Florida, and placed on the elective ballot due to the fact that requests for early voting ballots begin July 18, 2024. Petitioner, in seeking this order and hearing, is also requesting to remain able to campaign while awaiting a verdict on the writ of mandamus and declaratory judgement. Of necessity those ballots will have to be printed before that date. Additionally,

the Supervisor of Elections office is required to report the complete slate of candidates immediately, notwithstanding that slate can be modified.

3. The facts, in summary, are that Petitioner filed for election to the office of Supervisor of Elections on Wednesday, June 12, 2024. At that time the qualifying officer (also known as the “filing officer” in Florida Statutes 99.061) told both he and Petitioner’s wife she only needed a receipt, or summary page, with the “watermark” (an opaque image which is added upon the completion of electronic filing) which showed the original Form 6 (financial disclosure forms) had been filed with the state Division of Elections in Tallahassee. Plaintiff’s wife again asked the qualifying officer if that was all she (the qualifying officer) needed, and the qualifying officer drew a square in the air with her fingers and said, “All we need is the page with the watermark. That is sufficient.” The qualifying officer did not ask for the full financial disclosure forms, notwithstanding that Florida Statutes 99.061(7)(c) states, “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.*” (emphasis added). Instead, the qualifying officer carefully checked each item submitted by the Petitioner and initialed each blank on the supervisor’s qualifying checklist as being complete, including the blanks regarding the proper Form 6. (See Petitioner’s attached, *Ex. 1*). This checklist is required to be independently verified and initialed by a second qualifying officer to ensure that all necessary documents have been submitted properly, which was also done. (Perhaps it should be added here, that electronic filing is a new process, the statute having taken effect January 1, 2022, making this the first election where electronic filing has become

mandatory). Petitioner, upon having completed all the necessary paperwork (or so he was led to believe by the qualifying officer) and just before leaving, again asked the qualifying officer if there was anything else she needed and she replied, “You’re complete. . . You’re good.” That afternoon the Supervisor of Elections office posted on its’ website that petitioner was “Qualified.” That information was disseminated to the newspapers and press and a subsequent Pensacola News Journal article showed Petitioner as a candidate for election to the office of Supervisor of Elections.

4. The period for qualifying ended on Friday, June 14, 2024. Petitioner continued to be listed on the Supervisor of Elections’ website as “Qualified.” Six days after Petitioner filed to run, and after the qualifying period had ended, he received a phone call from the qualifying officer (not the Supervisor of Elections, Robert Bender) saying she had disqualified Petitioner because he had failed to submit all the necessary paperwork, specifically the Form 6 financial disclosure statement. (It should be noted here that the same person who approved Petitioner’s paperwork and qualified Petitioner initially, is the same person who now says the paperwork is deficient and disqualified the Petitioner.) At no point prior to this phone call did Petitioner receive any notification, whether by email, text, or by phone that his paperwork was deficient, notwithstanding the dictates of F.S. 99.061(7)(b), which states, in pertinent part, “. . . If the qualifying officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. . .”. Further, “. . . The filing officer should make *every effort* to contact the candidate if there is a problem

with the paperwork.” *Supervisor’s Handbook on Candidate Qualifying*, pg. 7. (emphasis added). The Handbook further states that the filing officer should document all efforts to contact the candidate and any conversations with the candidate. *Id.*

5. Here the filing officer received the qualifying papers during the qualifying period from Petitioner. If the filing officer determined there were any missing or incomplete items, the filing officer had a ministerial duty to notify Petitioner of the missing or incomplete items. Respondent failed or refused to perform the ministerial duty as required under Florida Statutes 99.061(7)(b).
6. Petitioner respectfully seeks an emergency hearing and relief at the court’s earliest convenience because, as stated previously, voters can begin requesting ballots as early as July 18, 2024, due to the mailing of ballots overseas. The printing of those ballots will, of necessity, be done prior to that date. Petitioner also seeks to remain able to campaign while awaiting a court order. The date of the primary election is August 20, 2024, which, with all things considered, leaves Petitioner with little time to restart his campaign and disseminate his message to the voting populace at large, including mailers to voters overseas.
7. As noted above, Petitioner has also filed a Petition for Writ of Mandamus and for Declaratory Judgment, but the County Attorney’s office, which represents the Supervisor of Elections, has 20 days to respond, thereby leaving little time to remedy any “mistake”, whether willful or inadvertent heretofore made.
8. It should also be noted that the decision to qualify a candidate, *vel non*, lies exclusively in the purview of the Supervisor of Elections. In other words, the sitting supervisor could just have easily remedied any deficiency with either timely notification as required by law under 99.061(7)(b), or have accepted the financial disclosure forms post-qualifying period,

especially given the fact his office was the sole reason for the debacle before us today. It should further be noted that it inures to the benefit of the sitting supervisor to disqualify any opponent who aspires to his position.

9. The adage, "Justice delayed is justice denied", is particularly germane to this proceeding due to the above considerations. The delay of any hearing works peculiarly in favor of the sitting Supervisor of Elections. Whether the decision to either willfully or inadvertently accept Petitioner's filings as complete by not one, but two filing officers, list him as "Qualified" and continue to list him as "Qualified" on the supervisor's website, disseminate that information to the press and the public at large, then wait to notify the Petitioner of any deficiencies in his paperwork until *after* the qualifying period has ended, and then to declare him "Disqualified" is wholly unjust and a disservice to not only the Petitioner individually, but to the voters and citizens of Escambia County at large who have now been disenfranchised by the caprice of the Supervisor of Elections, Robert Bender. This fiasco, if you will, has cast doubt on not only the integrity of the Supervisor of Elections office, but on the democracy and political chicanery of Escambia County politics in general. It bears repeating as stated in Petitioner's Writ, that while the damage to the Petitioner is personal, there is no injustice done to the public in allowing the Petitioner 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 person to best represent them as their Supervisor of Elections.

WHEREFORE, Petitioner moves for an Order to Show Cause and for hearing as expeditiously as possible on that Order for the Supervisor of Elections to show cause why the relief sought herein should not be granted, that is, determining the Petitioner to be qualified to run for the

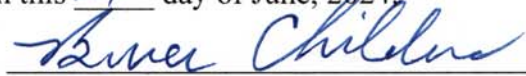
office of Supervisor of Elections, his name be promptly and forthwith placed back on the ballot for the primary election to be held August 20, 2024, and to allow the Petitioner to resume his campaign immediately.



**BRUCE CHILDERS**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing has been sent by email to Christi Hankins, County Attorney, as attorney for the Supervisor of Elections, at [cjhankins@myescambia.com](mailto:cjhankins@myescambia.com), and by hand delivery to the Supervisor of Elections office at 213 Palafox Place, 2<sup>nd</sup> Floor, Pensacola, FL 32502 on this 24 day of June, 2024.



**BRUCE CHILDERS**

2405 Hallmark Dr.

Pensacola, FL 32053

(850) 221-8080

[brucebchilders@gmail.com](mailto:brucebchilders@gmail.com)

**Robert D. Bender**  
**Escambia County Supervisor of Elections**

**2024 Qualifying Check List**  
*for*  
**Supervisor of Elections Candidates**

Qualifying begins Noon, June 10, 2024, and ends Noon, June 14, 2024.  
 Qualifying Forms may be filed early - 1st day to file Qualifying Forms is May 27, 2024.

Candidate's Name: Bruce Childers

Qualifying Fee or Petition Certification Letter (circle one)		
1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	Or check/mark on line if Candidate is a Write-In Candidate _____
<u>AMB</u>	<u>KS</u>	Make check payable to the Board of County Commissioners
<u>AMB</u>	<u>KS</u>	Drawn on a Campaign Account
<u>AMB</u>	<u>KS</u>	Amount no less than \$9,735.48 for Partisan or \$6,490.32 for No Party
<u>AMB</u>	<u>KS</u>	Signed by Treasurer or Deputy Treasurer
<u>AMB</u>	<u>KS</u>	Give receipt

Appointment of Campaign Treasurer Filed (DS-DE 9)		
1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	
<u>AMB</u>	<u>KS</u>	If New Candidate - check initial filing - Form must be Rev. 09/23
<u>AMB</u>	<u>KS</u>	Name & address provided
<u>AMB</u>	<u>KS</u>	Telephone & Email provided
<u>AMB</u>	<u>KS</u>	Office provided
<u>AMB</u>	<u>KS</u>	Party Affiliation Box Checked or Write in Party
<u>AMB</u>	<u>KS</u>	Campaign Treasurer designated with Name, Telephone & Email
<u>AMB</u>	<u>KS</u>	Campaign Treasurer address provided
<u>AMB</u>	<u>KS</u>	Primary Depository box checked
<u>AMB</u>	<u>KS</u>	Primary Depository name & complete address provided
<u>AMB</u>	<u>KS</u>	Candidate provided original signature & date
<u>AMB</u>	<u>KS</u>	Campaign Treasurer's Acceptance of Appointment Complete
<u>AMB</u>	<u>KS</u>	Dated and Campaign Treasurer signed

2023 Form 6, Full and Public Disclosure of Financial Interests		
1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	*Electronic Financial Disclosure Management System – disclosure.floridaethics.gov
<u>AMB</u>	<u>KS</u>	2023 Electronic Form Receipt Filed
<u>AMB</u>	<u>KS</u>	Contains Candidate's Name

### Candidate Oath - Candidate with "Party Affiliation" (DS-DE 301A)

1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	
AMD	KS	Form must be Rev. 10/23
AMD	KS	Under Oath of Candidate Section – Print Name as to appear on Ballot
AMD	KS	Office provided & county of residence
AMD	KS	Statement of Party
AMD	KS	Statement of Outstanding Fines, Fees, or Penalties – check yes or no
AMD	KS	Candidate's Original Signature is Listed
AMD	KS	Phone and E-mail Provided
AMD	KS	Complete Address Provided
AMD	KS	Notarized properly with County, Date, Identification Provided, Stamp & Signature
N/A	-	Statement of Outstanding Fines, Fees, or Penalties if applicable, page 2
AMD	KS	Affidavit of Nickname, if applies

### Candidate Oath - Candidate with No Party Affiliation (DS-DE 301B)

1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	
		Form must be Rev. 10/23
		Under Oath of Candidate Section – Print Name as to appear on Ballot
		Office provided & county of residence
		Statement of Outstanding Fines, Fees, or Penalties – check yes or no
		Candidate's Original Signature is Listed
		Phone and E-mail Provided
		Complete Address Provided
		Notarized properly with County, Date, Identification Provided, Stamp & Signature
		Statement of Outstanding Fines, Fees, or Penalties if applicable, page 2
		Affidavit of Nickname, if applies

### Candidate Oath - Write-In Candidate (DS-DE 301C)

1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	
		Form must be Rev. 10/23
		Under Oath of Candidate Section – Print Name
		Office provided & county of residence
		Statement of Outstanding Fines, Fees, or Penalties – check yes or no
		Candidate's Original Signature is Listed
		Phone and E-mail Provided
		Complete Address Provided
		Notarized properly with County, Date, Identification Provided, Stamp & Signature
		Statement of Outstanding Fines, Fees, or Penalties if applicable, page 2
		Affidavit of Nickname, if applies

### Statement of Candidate (DS-DE 84)

1 <sup>st</sup> Initials	2 <sup>nd</sup> Initials	
AMD	KS	If New Candidate - Form must be Rev. 5/11
AMD	KS	Name of Candidate
AMD	KS	Office of Candidate
AMD	KS	Signature and Date