

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

LARRY KLAYMAN, Esq.
A Florida Citizen and Elector

Plaintiffs

v.

DR. BRENDA C. SNIPES,
in her official capacity as
Supervisor of Elections of Broward County
115 S. Andrews Avenue., Room 102
Fort Lauderdale, Florida 33301

Defendant.

Case Number:

(Civil)

**IMMEDIATE HEARING
REQUESTED PURSUANT
TO Fla. Stat. § 119.11 (2018)**

**EMERGENCY COMPLAINT TO ENFORCE FLORIDA’S PUBLIC RECORDS ACT,
FOR DECLARATORY JUDGMENT TO CEASE ELECTION FRAUD,
CONTEST OF ELECTION CERTIFICATION
AND REQUEST FOR IMMEDIATE HEARING**

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

Plaintiffs seek (i) an immediate, emergency hearing of this matter pursuant to section 119.11, Florida Statutes; (ii) an Order from this Court declaring Defendant to be in breach of their constitutional and statutory duties to permit access to public records; and (iii) an Order from this Court compelling Defendant to provide Plaintiffs with access to those records, as well as other

grounds as set forth below.

JURISDICTION AND VENUE

1. This Court has subject matter jurisdiction pursuant to Art. V, § 5 of the Florida Constitution and the Public Records Act.

2. Venue for this action is properly in Broward County, Florida pursuant to section 47.011, Florida Statutes. The Broward County Supervisor of Elections is located in Broward County, Florida, and Plaintiffs' cause of action accrued in Broward County, Florida.

THE PARTIES

3. Plaintiff, Larry Klayman, is a citizen of the State of Florida and is a registered voter and thus an elector in the State of Florida, who voted in the gubernatorial and senatorial elections on November 6, 2018, in Florida. Klayman is the Founder, Chairman, and General Counsel of Freedom Watch, Inc. and before that Judicial Watch, Inc. The unlawful acts and practices, which include but are not limited to the failure to adhere to Florida election law, fraud, misconduct and corruption as set forth herein dilute, subvert and thus nullify Mr. Klayman's vote and thus harm his rights as a Florida citizen and elector.

4. Freedom Watch, Inc., is a public interest group, which Mr. Klayman had previously founded, furthered after his unsuccessful candidacy for the U.S. Senate in the 2004 Republican primary election. Freedom Watch has and will hold Republicans, Democrats, and Independents equally accountable to ethical and legal standards for honest and open government.

5. Defendant, Dr. Brenda C. Snipes, is the Supervisor of Elections for Broward County, Florida, (the "County") and is sued in her official capacity as the head of the elections office in the County.

6. During the recount in the 2000 presidential election, Larry Klayman was approved by the courts to inspect the ballots being analyzed and recounted in that disputed election. At the time, Larry Klayman was leading Judicial Watch as its Founder, General Counsel, and Chairman.

7. Now a Justice on the Florida Supreme Court, then Palm Beach Circuit Court Judge Jorge La Barga ordered that Larry Klayman be allowed to inspect the election ballots and monitor the election tabulation recount.

8. As it was reported then: "The conservative watchdog group, Judicial Watch, has the green light to begin its own count of disputed ballots in this month's presidential election in Palm Beach. Palm Beach Circuit Court Judge Jorge La Barga gave Judicial Watch access to count the votes, citing a Florida state law that allows citizens to inspect ballots even after the certification deadline has passed." See: Jim Burns, "Conservative Group Begins Its Own Florida Recount," CNS News, July 7, 2008, attached.

9. CNN reported: "The Washington-based legal group received court permission to examine Palm Beach County's punch-card ballots as part of an effort to conduct "an independent look-see" of the tallies for Republican George W. Bush and Democrat Al Gore." See: "Conservative watchdog reviews Palm Beach ballots," CNN, November 28, 2000.

10. And: "As the Broward recount began, Larry Klayman, an attorney and general counsel for Judicial Watch, demanded that county attorneys produce written standards detailing how the canvassing board counted the disputed ballots." See: CBSNews.COM staff/ AP , "Florida Ballots Under Review," CBS News, December 18, 2000.

GENERAL ALLEGATIONS

11. Plaintiffs sue the Defendant as a Florida citizen and elector pursuant to Article I, Section 24 of the Florida Constitution, and Chapter 119 of the Florida Statutes (the "Public

Records Act”) for Plaintiffs’ rights to access public records, as well as for declaratory judgment and an order to cease election fraud underway.

12. The State of Florida, including the Defendant within her respective County, held an election for state and federal offices in 2018 ("2018 General Election").

13. Voting in the 2018 General Election concluded November 6, 2018, being the official election day ("Election Day"), at 7:00 p.m. Eastern Standard Time.

14. Prior to November 6, 2018, pursuant to Florida law, voters in Florida ("Electors") were allowed to cast ballots before election day by early voting ("Early Ballots") and to cast absentee votes by mail prior to Election Day ("Absentee Ballots").

15. Absentee Ballots must be officially received by 7:00 PM on Election Day. See, Florida Statutes Chapter 2016-37. and <https://dos.myflorida.com/elections/for-voters/voting/vote-by-mail/>

16. Furthermore, pursuant to federal and state law, members of the military and uniformed services of the United States, members of the Merchant Marine, or spouses or dependents thereof, who are registered to vote in Florida but deployed and serving on active duty away from their home in Florida may cast a vote by special procedures ("Military Vote By Mail Ballots"). Florida Statutes Chapter 2016-37.

17. Military Vote By Mail Ballots will be counted (tabulated) as valid votes within the election if received up to ten (10) days after Election Day. See Florida Statutes Section 100.191 and <https://dos.myflorida.com/elections/for-voters/voting/military-and-overseas-citizens-voting/>

18. Furthermore, pursuant to Florida law a person who is determined to not be qualified to vote at a particular precinct may cast a ballot that must be set aside for investigation as to whether their vote should be counted at a later time ("Provisional Ballot").

19. Plaintiffs demand access to reliable and official information about the tabulation of votes in Broward County.

20. Under Florida law, Supervisor Snipes and her staff were required to fully report by 7:30 p.m. on Election Day the totals and results from Early Ballots received prior to or on Election Day, as well as the totals of the number of voters who physically appeared at a voting precinct to cast a ballot live, the number of blank ballots printed, the number of ballots remaining unused by a valid vote, and the number of ballots classified as provisional.

21. Thus, other than Military Vote By Mail Ballots which may be received up to ten (10) days after Election Day, the number of Electors who voted in the November 6, 2018, was legally required to be fixed in time and total on 7:00 p.m.¹ on Election Day.

22. Six days after voting has concluded, Supervisor Snipes is unwilling to disclose records revealing how many electors voted, how many ballots have been canvassed, and how many ballots remain to be canvassed.

23. This refusal to release information that the law requires to be produced raises substantial concerns about the validity of the vote tabulation in the election.

24. However, on information and belief, based on statements of observers on the ground in news reports, reports cast considerable doubt on the accuracy of the tabulation of votes, the legitimacy of the election, the likelihood of election fraud, other misconduct and corruption which will subvert and nullify the actual winner of the election in each contested race.

25. On information and belief, Supervisor Snipes and her staff have "found" additional alleged ballots discovered after the close of voting at 7:00 p.m. on Election Day, including boxes

¹ Electors already in line at the election precinct to vote by 7:00 p.m. EST would still be allowed to advance in line and vote and be counted within the deadline. Identification of the time for the closing of voting is understood to acknowledge this practical detail.

of alleged ballots found abandoned in one or more closets.

26. On information and belief, as many as 33,000 purported ballots have been "found" or "discovered" -- abandoned and without a valid chain of custody -- after the close of Election Day on 7:00 p.m. EST.

27. The lack of definitive information about the number of legitimate votes cast by actual Electors disturbingly allows for the invention of new votes that were not validly cast by any actual Elector.

28. Clearly only ballots for which a **chain of custody** can be established from an actual Elector to the ballot as voted can qualify as a valid vote.

29. A purported ballot found abandoned -- without any chain of custody of its validity -- is a nullity. It cannot be a ballot, if no voter or Elector can be shown to have cast that ballot.

30. Thus, any purported "ballots" found after the close of voting on Election Day at 7:00 p.m. EST must be disregarded and ignored as not actually being ballots.

31. The essence of a ballot is a vote cast by an Elector. A purported ballot separated from its supposed voter cannot constitute a vote or an actual ballot.

32. Florida Division of Elections Regulation 1S-2.015 requires each County to develop security procedures for elections, which include the requirements that (emphasis added):

(k) Transport of ballots and/or election materials. The security procedures shall describe the **steps necessary to ensure a complete written record of the chain of custody of ballots**, paper outputs from a hybrid voting system, and election materials on Election Day and during the early voting period and shall include:

1. A description of the method and equipment used to transport all ballots, paper outputs from a hybrid voting system, and/or election materials.

2. A method of recording the names of the individuals who transport the ballots and/or election materials from one site to another and the time they left the sending site.

3. A method of recording the time the individuals who transport the ballots, paper outputs from a hybrid voting system, and/or election materials arrived at the

receiving site and the name of the individual at the receiving site who accepted the ballots, paper outputs from a hybrid voting system, and/or election materials.

4. A description of the process to create and maintain a secured location for storing and transporting voting devices once the election definitions are loaded. This description shall include procedures that are to be used at locations outside the direct control of the supervisor of elections, such as overnight storage at a polling location or early voting site. This description shall include:

a. A process for creating and maintaining an inventory of these items for each storage location, for each election. These voting devices must be given the same level of attention that one would give to official ballots.

b. A chain of custody process that specifically provides for the identifying, documenting, handling, and tracking of such voting devices from the point of storage to transfer to final disposition or when the voting devices have been left unattended for any length of time. Particular attention must be given to the integrity of the tamper-resistant or tamper-evident seals. These voting devices must be given the same level of attention that one would give to official ballots.

5. A recovery plan that is to be followed should there be any indication of a security breach in the accountability and **chain of custody procedures**. The plan must address inadvertent damage to any seals or accountability/chain of custody documentation errors. These plans must be developed in a manner that enhances public confidence in the security and integrity of the election. Any indication of a security breach, documentation errors, or seal damage must be confirmed by more than one individual.

6. A training plan for relevant election officials, staff, and temporary workers that address these security procedures and the relevant work instructions.

(l) Receiving and preparing voted ballots. The security procedures shall describe the process of receiving and preparing paper outputs from a hybrid voting system and voted ballots, including provisional ballots, election data and memory devices to include, at a minimum, the following:

1. Verification that all of the ballot containers are properly secured and accounted for and that the seal numbers are correct;

2. Verification that the ballot container(s) for each precinct contain paper outputs from a hybrid voting system, unused ballots, and voted ballots including provisional ballots, unscanned ballots, spoiled ballots and write-in ballots as shown to exist on the forms completed by each election board for that purpose;

3. Inspection of the marksense ballots or paper outputs from a hybrid voting system to identify those that must be duplicated or upon which voter intent is unclear, thus requiring a determination by the Canvassing Board. A record shall be kept of which marksense ballots or paper outputs from a hybrid voting system are submitted to the Canvassing Board and the disposition of those marksense ballots or paper outputs; and,

4. Description of the process for duplicating and recording the voted marksense ballots or paper outputs from a hybrid voting system which are damaged or defective.

33. As a result, a purported ballot for which a chain of custody² cannot be established from the Elector who allegedly cast the purported ballot to the purported ballot which is proposed to be tabulated, the purported ballot cannot be included in the tabulation totals to determine the winner of the election in each contested race for office.

34. On information and belief, according to Florida's former Lieutenant Governor Jeff Kottkamp, there is an affidavit from a Florida campaign worker who states that he/she saw Broward County Elections staff filling out blank ballots, that is not voting for themselves but inventing additional votes not cast by any actual Elector.

35. Pursuant to Florida Statutes Section 104.39 "Any person who violates any provision of this code shall be a competent witness against any other person so violating and may be compelled to attend and testify as any other person. The testimony given shall not be used in any prosecution or criminal proceeding against the person so testifying, except in a prosecution for perjury."

36. On information and belief, Provisional Ballots that were rejected were placed back in among valid ballots and inter-mingled, so that it may have become impossible to separate the legitimate votes from invalid votes.

37. Florida Statutes Section 104.13 requires: "Whoever willfully places any ballot in the ballot box except as properly voted by electors, or willfully intermingles any other ballots which have not been duly received during the election with the ballots which are voted by the electors, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083,

² Obviously, voters vote without disclosing their vote. Nevertheless, election procedures are designed to ensure that ballots validly cast are properly handled as a group so that the ballots cast are ensured to be legitimate, even if individual ballots are not identified to a specific, individual Elector. This feature of voting in the United States of America makes strict adherence to the procedures all the more important and compelling.

or s. 775.084.

38. On information and belief, 108 people showed up to vote a second time in the same election in Miami-Dade County, according to Miami Herald reporter Doug Hanks. On information and belief this has also occurred in Broward and Palm Beach Counties.

APPLICABLE LAW

39. Under Florida Election Code section 102.168(1), "the certification of election or nomination of any person to office... may be contested in the circuit court... by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively."

40. Under Section 97.021(14), Florida Statutes (2011), "Elector" is defined as "synonymous with the word 'voter' or 'qualified elector or voter'".

41. Plaintiff Klayman is a registered voter and thus elector in the State of Florida, having met the qualifications of Section 97.041(1)(a), Florida Statutes (2011).

42. Plaintiffs have a constitutional right to access public records. Article I, Section 24 of the Florida Constitution provides:

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

43. The Defendant is required by statute to permit Plaintiff access to public records, including ballots and ballot-related information. Such a request has been filed and has thus far been ignored:

44. Florida Statutes Section 119.07(1)(a) requires that: "Every person who has custody

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

45. Thus, Plaintiff has standing under Section 102.168(1) to contest the certification of a nomination of a person to office.

46. Under Section 102.168(3), the Plaintiff "must set forth the grounds" on which the contest challenge is based upon. Section 102.168(3), Florida Statutes (2011). The statute goes on provide the grounds on which a challenge may occur: a) misconduct, fraud, or corruption; b) ineligibility of the successful candidate for the nomination or office in dispute; c) receipt of a number of illegal votes; or d) proof that any elector, official, etc. was given or offered a bribe.

47. Under Florida Statute 102.168, "the certification of election or nomination of any person to office... may be contested... [for] misconduct, fraud, or corruption on the part of any election official... sufficient to change or place in doubt the result of the election."

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

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

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

50. Section 119.07(5), Florida Statutes, provides:

When ballots are produced under this section for inspection or examination, no persons other than the supervisor of elections or the supervisor's employees shall touch the ballots. If the ballots are being examined before the end of the contest period in s. 102.168, the supervisor of elections shall make a reasonable effort to notify all candidates by telephone or otherwise of the time and place of the inspection or examination. All such candidates, or their representatives, shall be allowed to be present during the inspection or examination.

51. Ballots are public records subject to "the inspection requirement of section 119.07(1), Florida Statutes." Fla. Att'y Gen. Op. 2001-37 (2001).

COUNT I – UNLAWFUL WITHHOLDING OF PUBLIC RECORDS

52. Plaintiff re-alleges and incorporates by reference the allegations and exhibits in paragraphs 1 through 51.

53. On November 9, 2018, Plaintiff submitted to the Supervisor of Elections an Emergency Public Records Request (the "Request"), a true and correct copy of which is attached hereto as **Exhibit "A."**

54. Pursuant to Fla. Stat. 119.07(5), the Request sought an opportunity to inspect all ballots that have not yet been canvassed by the Broward County Canvassing Board, after providing due notice to the candidates.

55. Pursuant to Fla. Stat. 119.07(1)(a), the Request further sought immediate inspection of the below-referenced public records, to occur immediately due to the circumstances of the pending emergent need to review the requested records promptly:

- A. All ballots cast on November 6, 2018. In particular:
- B. All ballots counted by the Canvassing Board *after* 7:30 PM on November 6, 2018.
- C. All ballots cast by "early voting" prior to November 6, 2018.
- D. All ballots cast by "absentee vote" or as mail-in ballots.
- E. All ballots discovered on a day after November 6, 2018, including the packaging, container, or box holding such ballots.

- F. All ballots found abandoned, including the packaging, container, or box holding such ballots.
- G. All ballots which lack a record of their chain of custody, including the packaging, container, or box holding such ballots.
- H. All ballots cast on November 6, 2018, but classified as "provisional" ballots and/or "provisional" votes.
- I. All ballots cast by military personnel by any method of voting without physically appearing in a voters' precinct in Florida, including ballots which arrived after November 6, 2018.

Furthermore, please also provide for inspection and copying:

- J. Any and all records reporting, *inter alia*, the total number of ballots cast in the election on November 6, 2018.
- K. Any and all records of the total votes counted or tabulated for each candidate who stood for election on November 6, 2018, generated before midnight on November 6, 2018.
- L. Any and all reports submitted to the Division of Elections of the Florida Department of State under Rule 1S-2043 of the Florida Administrative Code concerning votes cast by absentee ballots or early voting between October 1, 2018, and November 9, 2018.

56. The Supervisor of Elections has not provided Plaintiff any of the requested public records, nor communicated concerning whether the requested access and/or records will be provided under any particular timetable.

57. By refusing to provide access to the requested records—including a refusal to provide any information regarding the number of ballots cast, the number of ballots counted, or the number of ballots left to be counted in Broward County—the Supervisor of Elections violated its constitutional and statutory duties under Florida's Public Records Act.

58. The Supervisor of Elections's refusal to allow Plaintiff to inspect the requested public records violated the Public Records Act.

59. The records that Plaintiff seeks are public records pursuant to the Public Records Act.

60. "Public records" include all documents, papers, letters, text messages, e-mail,

maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by the Agency. *See* §119.011(12), Florida Statutes; *see also* Fla. Att’y Gen. Op. 2001–37 (2001).Section 119.11, Florida Statutes, provides that courts are to set immediate hearings in actions to enforce the provisions of the Public Records Act and are to give such cases priority over other pending cases. *See Salvador v. Fennelly*, 593 So. 2d 1091, 1094 (Fla. 4th DCA 1992).

61. No statutory exemption applicable to this case excuses withholding of the requested public records.

62. The Supervisors of Elections have not raised objection citing any applicable exemption.

COUNT II – DECLARATORY JUDGMENT THAT BALLOTS "FOUND" WITHOUT A CLEAR CHAIN OF CUSTODY ARE NOT VALID VOTES

63. Plaintiff re-alleges and incorporates by reference the allegations and exhibits in paragraphs 1 through 51.

64. A party seeking declaratory relief must show that:

there is a bona fide, actual, present practical need for the declaration; that the declaration should deal with a present, ascertained or ascertainable state of facts or present controversy as to a state of facts; that some immunity, power, privilege or right of the complaining party is dependent upon the facts or the law applicable to the facts; that there is some person or persons who have, or reasonably may have an actual, present, adverse and antagonistic interest in the subject matter, either in fact or law; that the antagonistic and adverse interest are all before the court by proper process or class representation and that the relief sought is not merely the giving of legal advice by the courts or the answer to questions propounded from curiosity. *Santa Rosa County v. Admin. Comm'n, Div. of Admin. Hearings*, 661 So.2d 1190, 1192-93 (Fla.1995) (citations omitted).

65.

66. Florida Statutes Section 101.5614 "Canvass of returns" requires —

(1) As soon as the polls are closed, the election board shall secure the voting devices against further voting. The election board shall thereafter, in the presence of members of the public desiring to witness the proceedings, verify the number of voted ballots, unused ballots, provisional ballots, and spoiled ballots to ascertain whether such number corresponds with the number of ballots issued by the supervisor. If there is a difference, this fact shall be reported in writing to the county canvassing board with the reasons therefor if known. The total number of voted ballots shall be entered on the forms provided. The proceedings of the election board at the precinct after the polls have closed shall be open to the public; however, no person except a member of the election board shall touch any ballot or ballot container or interfere with or obstruct the orderly count of the ballots.

(2) The results of ballots tabulated at precinct locations may be transmitted to the main computer system for the purpose of compilation of complete returns. The security guidelines for transmission of returns shall conform to rules adopted by the Department of State pursuant to s. [101.015](#).

(3) For each ballot or ballot image on which write-in votes have been cast, the canvassing board shall compare the write-in votes with the votes cast on the ballot; if the total number of votes for any office exceeds the number allowed by law, such votes shall not be counted. All valid votes shall be tallied by the canvassing board.

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

(b) A true duplicate copy shall be made of each federal write-in absentee ballot in the presence of witnesses and substituted for the federal write-in absentee ballot. The duplicate ballot must include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. [102.166](#)(4). All duplicate ballots shall be clearly labeled "duplicate," bear a serial number that shall be recorded on the federal write-in absentee ballot, and be counted in lieu of the federal write-in absentee ballot. After a ballot has been

duplicated, the federal write-in absentee ballot shall be placed in an envelope provided for that purpose, and the duplicate ballot shall be tallied with other ballots for that precinct.

(5) If there is no clear indication on the ballot that the voter has made a definite choice for an office or ballot measure, the elector's ballot shall not be counted for that office or measure, but the ballot shall not be invalidated as to those names or measures which are properly marked.

(6) Vote-by-mail ballots may be counted by automatic tabulating equipment if they have been marked in a manner which will enable them to be properly counted by such equipment.

(7) The return printed by the automatic tabulating equipment, to which has been added the return of write-in, vote-by-mail, and manually counted votes and votes from provisional ballots, shall constitute the official return of the election upon certification by the canvassing board. Upon completion of the count, the returns shall be open to the public. A copy of the returns may be posted at the central counting place or at the office of the supervisor of elections in lieu of the posting of returns at individual precincts.

(8) Any supervisor of elections, deputy supervisor of elections, canvassing board member, election board member, or election employee who releases the results of any election prior to the closing of the polls in that county on election day commits a felony of the third degree, punishable as provided in s. [775.082](#), s. [775.083](#), or s. [775.084](#).

67. Plaintiff requests a declaratory judgment that only purported ballots for which a chain of custody tracing the purported ballot from an actual, qualified Elector (Florida voter) can be counted as a vote within the tabulation of votes in each contested election in Florida.

COUNT III – CONTEST TO CERTIFICATION OF ELECTION WINNERS

68. Plaintiff re-alleges and incorporates by reference the allegations and exhibits in paragraphs 1 through 51.

69. Under Florida Election Code section 102.168(1), "the certification of election or nomination of any person to office... may be contested in the circuit court... by any elector qualified to vote in the election related to such candidacy, or by any taxpayer, respectively."

70. For the foregoing reasons, Plaintiff contests the certification of the voting results and respectfully request that invalid ballots, ballots cast by those not qualified to vote as Electors, and ballots not properly evidencing an actual vote in a particular race be ordered by the Court to

be excluded from the tabulation of votes for each candidate.

REQUEST FOR IMMEDIATE HEARING

71. Plaintiff has a clear legal right to insist upon the performance of the Supervisor of Elections' duty to permit inspection, copying and photographing of public records as required by Florida law.

72. Violations of the Public Records Act constitute an irreparable public injury.

73. As the Florida Supreme Court has recognized: "News delayed is news denied." *State ex. Rel. Miami Herald Pub'g Co. v. McIntosh*, 340 So. 2d 904, 910 (Fla. 1976).

74. Plaintiff has no adequate remedy other than as pled herein.

75. The Public Records Act requires this matter be set for an immediate hearing.

76. All conditions precedent to this action have occurred, have been excused, or have been waived.

77. Plaintiff therefore requests an immediate hearing and that this case be given priority over other pending cases. Specifically, Plaintiff requests that an initial hearing in this matter be immediately set due to the important and public concern regarding this matter.

WHEREFORE, Plaintiff Larry Klayman, respectfully requests that the Court:

- a. Order that the Supervisor of Elections provide Plaintiff with access to the requested public records under the Public Records Act;
- b. Declare that purported ballots found abandoned or without a chain of custody flowing from an actual qualified Elector cannot be counted as valid votes within the tabulation of votes to determine the winner of any election in Florida.
- c. Order that the certification of the voting tabulation results of the November

6, 2018, election include only validly cast ballots, free of the defects set forth in detail above.

- d. Grant any further relief as the Court deems appropriate including immediate discovery, including written interrogatories, requests to produce, requests for admissions and videotaped depositions into the allegations of this Complaint.
- e. Plaintiff reserves the right to amend this Complaint as more evidence emerges through discovery and otherwise concerning the fraud, misconduct and corruption of Defendant as alleged herein.

Dated: November 12, 2018

Respectfully Submitted,

/s/ Larry Klayman

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