

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL
CIRCUIT OF FLORIDA, IN AND FOR BROWARD COUNTY
CIRCUIT CIVIL DIVISION
CASE NO.**

**SHEILA CHERFILUS-McCORMICK,
Candidate, Democratic Primary,
U.S. Representative, Florida District 20,
Plaintiff,**

vs

**BROWARD COUNTY CANVASSING BOARD,
Consisting of County Judge DEBORAH
CARPENTER-TOYE, Chair,
Vice County Mayor MICHAEL UDINE,
solely in their official capacities as
Members of the Canvassing Board, and
Supervisor of Elections JOE SCOTT,
solely in his official capacities as Supervisor
of Elections and Member of the Canvassing Board, and
DALE V.C. HOLNESS, Candidate, Democratic
Primary, U.S. Representative, Florida District 20,
Defendants.**

**VERIFIED MOTION FOR EMERGENCY TEMPORARY
INJUNCTIVE RELIEF INCORPORATING VERIFIED COMPLAINT**

Plaintiff Sheila Cherfilus-McCormick, as the candidate for the Democratic Primary Nomination for U.S. Representative, Florida District 20, seeks emergency injunctive relief prevent the illegal canvassing or counting of Vote-by-Mail Ballots not included in the submission of the unofficial returns by Defendants Broward

Canvassing Board and Supervisor of Elections Joe Scott on November 4, 2021. These Vote-by-Mail Ballots cannot be included in any counting of the ballots required as a result of the Secretary of State's Order for a Machine Recount and a Manual Recount. Nor do these ballots constitute Overseas Ballots for which a 10-day extension period might be applicable pursuant to UOCAVA.

This motion is specifically directed to the three (3) Vote-by-Mail Ballots reviewed by the Canvassing Board on November 5, 2021, and set aside to be counted in the canvassing of the official returns and certification of the election to occur on November 12, 2021. Counting of these ballots is contrary to Florida's Elections Code, including Sections 101.68, 102.141, or 102.166, Florida Statutes (2021).

As supported by the Verified Complaint filed contemporaneously with this motion and incorporated into this motion, a temporary and permanent injunction must be issued precluding the counting of the three (3) Vote-by-Mail Ballots. This motion requires emergency consideration in advance of the opening of the Vote-by-Mail envelopes on November 12, 2021.

INTRODUCTION

Plaintiff filed her Verified Complaint contemporaneously with

this motion seeking issuance of a temporary and permanent injunction precluding the counting of the three (3) Vote-by-Mail Ballots, a declaratory judgment affirming that the three (3) Vote-by-Mail Ballots cannot be counted, and a writ of mandamus compelling the Canvassing Board and the Supervisor to not count the three (3) Vote-by-Mail Ballots.

As detailed in the Verified Complaint that is incorporated herein, this action involves an election, the certification of which is scheduled for November 12, 2021, by the Broward Canvassing Board. The illegal counting Vote-by-Mail ballots after the transmission of the unofficial returns to the Florida Division of Elections on November 4, 2021, is not allowed by Florida's Election Code. This relief requires expedited emergency consideration.

The Verified Complaint established a founded basis upon which to conclude counting of the three (3) Vote-by-Mail Ballots is prohibited. Plaintiff and all eligible voters are entitled to fair, accurate, and transparent elections that are conducted in accordance with Florida's Election Code. Once Vote-by-Mail Ballots are canvassed by the Canvassing Board and the returns are submitted to the Florida Division of Elections, the counting of ballots ends except as

authorized by a machine or manual recount or for overseas ballots subject to the 10-day extension period pursuant to UOCAVA. These ballots at issue do not come within any allowable exception.

Plaintiff and Broward County Voters will suffer irreparable harm once ballots are illegally counted after the counting period has ended.

If the ballots are counted and included in the official returns, the outcome of the election will be the result of the illegal consideration of ballots and the returns are therefore illegal. Thus, plaintiff and the Broward voters will suffer irreparable harm.

Other than injunctive relief, there is no other available remedy at law.

Preservation of that status quo is in the public interest in that the furtherance of a fair, accurate, and transparent election done in a manner consistent with Florida law validates the right of plaintiff and Broward voters to a fair, accurate, transparent, and lawful election.

Accordingly, an injunction is needed to preserve the status quo pending the outcome of this litigation.

This motion incorporates the Verified Complaint.

VERIFICATION

Under penalty of perjury, I declare that I have read the foregoing,
and the facts alleged are true to the best of my knowledge.

Dated November 11, 2021



SHEILA CHERFILUS-MCCORMICK

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify this document was efiled on November 11, 2021, to:

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