

IN THE SUPREME COURT OF FLORIDA

DEBBIE MAYFIELD,

Petitioner,

CASE NO.:

vs.

CORD BYRD, in his official capacity
as Florida's Secretary of State, Head
of the Florida Department of State,
and Florida's Chief Elections Officer,
MARIA MATTHEWS, in her official
capacity as Director of the Florida
Department of State's Division of
Elections, and TIM BOBANIC, in his
official capacity as the Supervisor of
Elections for Brevard County, Florida,

Respondents.

**EMERGENCY PETITION FOR WRIT OF
QUO WARRANTO AND WRIT OF MANDAMUS**

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NATURE OF RELIEF SOUGHT

Respondent, Cord Byrd, in his official capacity as Florida's Secretary of State, Head of the Florida Department of State, and Florida's Chief Elections Officer ("Secretary"), has exceeded his authority by refusing to recognize Petitioner, Debbie Mayfield ("Mayfield"), as a qualified candidate for the office of Florida Senate District 19 ("SD 19") in the special election to be held on April 1, 2025 (primary election) and June 10, 2025 (collectively, "Special Election").

Mayfield has duly and timely submitted to the Secretary the applicable qualifying fee and all documents necessary to qualify as a Republican candidate for the SD 19 Special Election ("Qualifying Paperwork"). Accordingly, because the Qualifying Paperwork is complete on its face and was properly filed, the Secretary is legally bound to accept it and recognize Mayfield as a qualified candidate for the SD 19 Special Election. This is because it is well-settled that the Secretary serves a purely ministerial role in processing the Qualifying Paperwork, and has no authority to determine whether the Qualifying Paperwork is accurate, or whether there are grounds to challenge Mayfield's eligibility to run in the Special Election for SD 19.

Therefore, Mayfield seeks a writ of quo warranto establishing that the Secretary exceeded his authority by refusing to recognize her as a qualified candidate for the SD 19 Special Election, and a writ of mandamus compelling the Secretary to immediately recognize her as a qualified candidate for the SD 19 Special Election, including ensuring her name appears on the requisite Special Election ballots.

Respondent, Maria Matthews, in her official capacity as Director of the Florida Department of State's Division of Elections ("Director"), issued a letter to Mayfield stating she was not qualified to appear on the SD 19 Special Election ballot because it would violate the Florida Constitution's prohibition on a candidate for certain offices running for re-election after having served in the office for eight (8) consecutive years. The Director serves under the Secretary, and has exceeded her authority for the same reasons.¹

Respondent, Tim Bobanic, in his official capacity as the Supervisor of Elections for Brevard County, Florida ("Supervisor"), is

¹ The Director has been added as a party to this action in an abundance of caution to ensure that any relief granted is full and complete. As such, Mayfield requests that any writ of quo warranto and/or mandamus issued by this Court pursuant to this Petition also be directed to the Director as the Court deems appropriate.

responsible for the administration of the SD 19 Special Election, including for the preparation and mailing of mail ballots. Due to the emergency nature of this matter, discussed below, and to avoid any potential delay or uncertainty following a ruling by this Court, the Supervisor has been added as a party to this action, and Mayfield requests that a writ of mandamus be issued compelling him to include Mayfield's name on all ballots for the SD 19 Special Election.

PRELIMINARY STATEMENT

This Petition is filed as an **emergency** because the primary election for SD 19 is in **less than sixty (60) days** (on April 1, 2025), and as shown on the website of the Supervisor of Elections for Brevard County (where SD 19 is located),² and pursuant to Section 101.62, Florida Statutes,³ military and overseas ballots for the SD 19 primary election must be mailed **by February 14**.⁴

² Available at:

<https://www.votebrevard.gov/Election-Information/Current-Elections> (last visited February 6, 2025).

³ Section 101.62(3)(a) states: “**No later than 45 days before** each . . . primary election, and general election, the supervisor of elections shall send a vote-by-mail ballot as provided in subparagraph (d)2. to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot.” (emphasis added).

⁴ Domestic mail ballots must be mailed **by February 27**.

As such, time is of the **utmost essence** (indeed, all military and overseas ballots for the Special Election must be printed in time for them to be mailed out on February 14) and warrants this Court's treatment of this Petition as an **emergency**, with expedited briefing as needed to resolve this issue of great public concern as quickly as possible and ensure Mayfield and Florida's voters are not prejudiced.⁵

STATEMENT OF THE CASE AND THE FACTS

Mayfield was first elected to the Florida House of Representatives in 2008, where she served until 2016. (Appx. A). In 2016, she was elected to SD 19, and served in the Florida Senate until the election of her successor on November 5, 2024. (Appx. A). In the 2024 general election, Mayfield was again elected to the Florida House, and served in that office until she resigned to run in the Special Election for SD 19, which office became vacant as a result of State Senator Randy Fine resigning to run for Congress. (Appx. A).

Pursuant to the Florida Constitution and Florida law, Governor DeSantis ordered the Special Election to fill the vacancy left by Senator Fine's resignation. (Appx. B). Pursuant to a January 21,

⁵ The accompanying Appendix is referenced herein as "Appx. ____".

2025 Notice of Special Election for the Office of State Senate, District 19, signed by the Secretary, the period for candidates to qualify to run in the Special Election by submitting the Qualifying Paperwork (which includes payment of the applicable fee) ended at noon on February 4, 2025 (“Qualifying Deadline”). (Appx. C). The Department of State also issued a memorandum on January 27, 2025, providing tips to candidates on how to qualify for SD 19. (Appx. D).

Mayfield duly and timely submitted her Qualifying Paperwork to run in the SD 19 Special Election, which has not been disputed to Mayfield’s knowledge. (Appx. A). Nonetheless, on February 5, 2025, the Director issued a letter to Mayfield stating she was not qualified to appear on the SD 19 Special Election ballot because it would purportedly violate Article VI, Section 4, of the Florida Constitution (“Section 4”), which prohibits a candidate for certain offices from running “for re-election” to that office after having served in that office for eight (8) consecutive years. (Appx. E).

As discussed herein, neither the Secretary, nor the Director acting under his authority, have the right to disqualify Mayfield as a candidate for the SD 19 Special Election and prevent her name from

appearing on the Special Election primary and general election ballots. This is because Mayfield's Qualifying Paperwork was duly and timely submitted, and is complete on its face. As such, pursuant to statute, the Department of State, which has a purely ministerial role in processing the Qualifying Paperwork, **is bound to accept it.**

Moreover, even if the Secretary or Director (or anyone else) had standing to challenge Mayfield's qualification to run in the SD 19 Special Election, Mayfield is not prohibited from doing so by Section 4. Simply stated, and as explained further herein, Mayfield is not seeking to appear on the Special Election ballot "for re-election" to an office she has held for eight (8) consecutive years. Indeed, Mayfield was already elected, in 2024, to a different office (*i.e.*, the Florida House), and Senator Fine was elected, in 2024, to SD 19, prior to his resignation from that office. As such, based on the plain wording of Section 4, Mayfield is not precluded from running anew for SD 19.

Notably, this is no different legally from when Mayfield ran anew for the Florida House in 2024, despite having previously served in the Florida House for eight (8) consecutive years from 2008 to 2016. There was no challenge to her qualification to run again for the

Florida House because it was understood that she was not running “for re-election” to that office. The same is true here, as Mayfield is not running “for re-election” to SD 19, but rather anew for that office after it has been held for a period of time by someone else (Sen. Fine).

JURISDICTION

This Court has original jurisdiction to issue writs of quo warranto and mandamus to the Respondents (who are state officers) pursuant to Article V, Section 3(B)(8) of the Florida Constitution (stating that this Court “[m]ay issue writs of mandamus and quo warranto to state officers and state agencies”), and Florida Rules of Appellate Procedure 9.030(a)(3) and 9.100. *See Thompson v. DeSantis*, 301 So. 3d 180, 184 (Fla. 2020) (“It is undisputed that article V, section 3(b)(8) gives this Court discretionary jurisdiction to issue writs of mandamus and quo warranto to state officers.”).

Quo warranto is used to determine whether a state officer or agency has improperly exercised a power or right derived from the State, as is the case here. *See League of Women Voters of Florida v. Scott*, 232 So. 3d 264, 265 (Fla. 2017); *Wiley v. Scott*, 79 So. 3d 702, 707 (Fla. 2011). The Secretary is a state officer. Fla. Stat. § 20.10(1)

(“The head of the Department of State is the Secretary of State.”); *accord Detzner v. Anstead*, 256 So. 3d 820, 823 (Fla. 2018). The Director and Supervisor are also state officers because, as with the Secretary, they are a “person in the service of the government who derives [their] position from a duly and legally authorized election or appointment,” and the exercise of their “jurisdiction, duties and powers is co-extensive with the limits of the State.” *Advisory Opinion to Governor*, 1 So. 2d 636, 638 (Fla. 1941) (quoting *State v. Hocker*, 22 So. 721, 723 (Fla. 1897) (internal quotations omitted)).

The Secretary and Director, acting as officers of the Department of State, also have clear and indisputable legal duties with respect to processing the Qualification Papers, and thus are also subject to this Court’s mandamus jurisdiction. *See Pizzi v. Scott*, 160 So. 3d 897 (Fla. 2014) (“A petitioner is entitled to relief under this Court’s authority to issue a writ of mandamus when: (1) the petitioner establishes a clear legal right to the performance of the requested act, (2) the respondent has an indisputable legal duty to perform that act, and (3) no other adequate remedy exists.”); *accord Pleus v. Crist*, 14

So.3d 941 (Fla.2009); *Huffman v. State*, 813 So.2d 10 (Fla.2000).⁶

The Supervisor likewise has clear and indisputable legal duties with respect to the actual administration of elections. *See generally* Florida Election Code, Chapters 97 – 106, Florida Statutes.

This Court's authority to issue writs of quo warranto and mandamus is discretionary and concurrent with other courts in Florida. However, as explained in the Preliminary Statement, *supra*, this case warrants an immediate emergency and expedited review and decision by this Court as Mayfield and Florida's voters will be prejudiced, and indeed irreparably harmed, if Mayfield is unlawfully disqualified from appearing on the Special Election ballots, including for the primary election, which must be mailed out by February 14.

STANDING

As a candidate for SD 19 directly impacted by the attempt by the Secretary and Director, acting for the Florida Department of

⁶ The Florida Election Code (Chapters 97 – 106, Florida Statutes) provides that the Secretary is the chief election officer of the state, and it prescribes the Secretary's responsibilities in such capacity. *See* Fla. Stat. § 97.012. Within the Department of State, of which the Secretary is the head (*see* Fla. Stat. § 20.10(1)), there is the Division of Elections (run by the Director) (*see* Fla. Stat. § 20.10(2)(a)), which has powers and duties as prescribed by law. *See* Fla. Stat. § 106.22.

State, to unlawfully disqualify her from appearing on the ballots for the SD 19 Special Election, and as a Florida citizen and taxpayer, it is indisputable that Mayfield has the legal right to seek quo warranto and mandamus relief from this Court. *See Whiley*, 79 So. 3d at 706 n. 4; *Pleus*, 14 So. 3d at 945; *Pizzi*, 160 So. 3d at 897.

ARGUMENT

I. THE SECRETARY AND DIRECTOR EXCEEDED THEIR AUTHORITY BY REFUSING TO RECOGNIZE MAYFIELD AS QUALIFIED TO RUN FOR SENATE DISTRICT 19

As this Court has recognized repeatedly:

Fundamental to our system of government is the principle that the right to be a candidate for public office is a valuable one and no one should be denied this right unless the Constitution or an applicable valid law expressly declares him to be ineligible.

Wright v. City of Miami Gardens, 200 So. 3d 765, 775 (Fla. 2016);
Treiman v. Malmquist, 342 So. 2d 972, 975 (Fla. 1977) (same).

As discussed herein, Mayfield is eligible for, and has every right to run for, SD 19, and the Secretary and Director, state officers acting for the Florida Department of State, **clearly exceeded their authority** in disqualifying Mayfield as a candidate for the SD 19

Special Election despite her duly and timely filing her Qualification Paperwork. Indeed, Florida law is **unambiguous** that the Florida Department of State serves merely a **ministerial** function in determining whether a candidate is qualified to run for office:

(c) The filing officer performs **a ministerial function in reviewing qualifying papers**. 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 pursuant to s. 92.525(1)(a). The filing officer **may not determine whether the contents of the qualifying papers are accurate**.

Fla. Stat. § 99.061(7)(c) (emphasis added); *see also* Fla. Stat. § 99.061(6) (“The Department of State **shall certify** to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.”) (emphasis added).

Significantly, the Department of State has recognized its very narrow and limited role in qualifying candidates to run for office. For example, in *Power v. Detzner*, Case No. 2018-CA-466 (Fla. 2d Cir.

Mar. 5, 2018), Terrance Power, a Republican candidate for Florida House District 64, brought an action for a declaratory judgment in circuit court in Leon County against the State of Florida and the Secretary of State (Ken Detzner), seeking a ruling that State Representative James Grant (“Rep. Grant”) was not eligible to appear on the ballot for the 2018 primary and general elections as a candidate for the Florida House due to the Florida Term Limits Amendment (Amendment 9, which passed in 1992). The State of Florida and the Secretary of State filed a motion to dismiss in which they stated the following about the Secretary of State’s role with respect to Rep. Grant’s eligibility to run for the Florida House:

The Department’s role in processing qualifying paperwork is **purely ministerial**. § 99.061(7)(c), Fla. Stat. If the qualifying paperwork submitted by a candidate is **complete on its face and properly filed**, then the Department **is bound to accept it**. *Id.*

(Appx. F; emphasis added). Judicial notice of the motion is requested.

This Court has also held that the Secretary is without power to rule on the eligibility of a candidate to hold office provided the candidate complied with the laws governing becoming a candidate:

The law does not give the secretary of state any power or authority to inquire into or pass upon the eligibility of a candidate to hold office for the nomination for which he is running. It merely provides that the candidate shall file the sworn statement in the form provided by statute, together with his receipt for the committee assessment, with the secretary of state and pay his filing fee to that officer, not less than 30 days previous to the day of the primary election.

Davis v. Crawford, 116 So. 41, 42 (Fla. 1928); *see also State ex rel. Hall v. Hildebrand*, 168 So. 531, 532 (Fla. 1936) ([T]he clerk of the circuit court has neither the responsibility nor the authority to pass judgment upon the supposed ineligibility of candidates for office who properly comply with the form of the primary laws governing their becoming a candidate for nomination in primary elections.”).

Rather, as the First DCA has explained, the question of whether a candidate is qualified to be a candidate for office can only be determined in an appropriate action by a court of competent jurisdiction, and with the power to effect the appropriate remedy, such as this Court as to Mayfield’s eligibility to run for SD 19:

[U]nder the decisions in *Davis ex rel. Taylor v. Crawford*, *supra*, and *State ex rel. Hall v. Hildebrand*, *supra*, the Secretary of State is without authority to pass judgment on

questions dehors [sic] the filing instruments concerning the qualifications of candidates. **That is a question that can only be decided by a court of competent jurisdiction. Since the Secretary not only has no clear legal duty to determine whether Wright has complied with the Resign [sic]-to-Run Law, but even if he were so inclined would be without authority to do so**

The question of Wright's qualification to be a candidate in light of the Resign-to-Run Law **can only be determined in an action appropriate to that end in a court that is vested with jurisdictional power to effect the appropriate remedy.**

State ex rel. Cherry v. Stone, 265 So. 2d 56, 58 (Fla. 1st DCA 1972) (emphasis added). In short, if the Secretary wishes to challenge a candidate's eligibility to run for office, he must do so in court.

Here, Mayfield's Qualification Papers were properly filed and complete on their face, and indeed there has been no allegation, let alone a finding, to the contrary. Moreover, such Qualification Papers include Mayfield's "Candidate Oath" (Form DS-DE 301A), in which she swears and affirms, among other things, that she is "a qualified elector under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected." (Appx. A).

As such, the Secretary and Director are bound to accept Mayfield's Qualification papers, and clearly exceeded their authority by disqualifying Mayfield as a candidate for the SD 19 Special Election based on reasons beyond the facial adequacy of the Qualification Papers. Indeed, Mayfield's electoral history, such as her prior service as a State Senator, is not even included in the Qualification Papers, and thus the Secretary and Director have gone **far beyond the scope of their authority** in apparently using their personal knowledge of Mayfield's electoral history, and then applying their own novel interpretation of Section 4, to disqualify Mayfield.

Moreover, as discussed below, the reliance by the Secretary and Director on Section 4 to assert that Mayfield is not qualified to run in the SD 19 Special Election fails as a matter of law based on a plain reading of Section 4, which is unambiguous. Simply stated, Mayfield is not running "for re-election" to SD 19, but rather anew for that office after it has been held for a period of time by Senator Fine.

Accordingly, this Court should issue a writs of quo warranto and writs of mandamus as requested herein to ensure that Mayfield appears on all ballots for the Special Election.

II. MAYFIELD IS QUALIFIED TO RUN FOR FLORIDA SENATE DISTRICT 19 IN THE SPECIAL ELECTION

Even if the Secretary, Director, and/or anyone else with standing had brought an appropriate action, in an appropriate court, challenging Mayfield's eligibility to be a candidate in the SD 19 Special Election based on Section 4 (or any other grounds, frankly), such a challenge fails on the merits based on the clear and unambiguous wording of Section 4, which states in relevant part:

(c) No person may appear on the ballot **for re-election** to any of the following offices:

- (1) Florida representative,
- (2) Florida senator,
- . . .

if, by the end of the current term of office, the person will have served (or, but for resignation, would have served) in that office for eight consecutive years.

Art. VI, § 4, Fla. Const. (emphasis added).

Here, Mayfield is not seeking to appear on the Special Election ballot "for re-election" to an office she has held for eight (8) consecutive years. That would only be the case had she sought to run for re-election to SD 19 in 2024, but she did not. Rather, she ran for the Florida House, and was elected thereto in 2024. Meanwhile,

Senator Fine ran for and was elected in 2024 to SD 19, prior to his resignation from that office. As such, based on the plain wording of Section 4, Mayfield is not precluded from running anew for SD 19.

Significantly, in *Power v. Detzner*, Case No. 2018-CA-466 (Fla. 2d Cir. Mar. 5, 2018), discussed above, the Secretary of State argued that Rep. Grant, who was first elected to the Florida House in 2010, had not served for eight consecutive years because the 2014 election results were rejected, and the office remained vacant until a special election in 2015, which Rep. Grant won. (Appx. F). Thus, when Rep. Grant ran for re-election in 2018, the Secretary of State argued that Rep. Grant had not served eight (8) consecutive years in the office, because of the vacancy that occurred in 2014. (Appx. F). The key fact was that there was a break in Rep. Grant's service, which allowed him to re-start the clock on Section 4's eight (8) year term limit.

Similarly, Mayfield's service as a State Senator for SD 19 was interrupted by her election to the Florida House in 2024, and Sen. Fine's election to SD 19 in 2024. Thus, the eight (8) year term limit as to Mayfield's service in the office of SD 19 has re-started, and her future service in SD 19 would not be consecutive to her past service.

Significantly, if this were not the correct reading of Section 4, then Mayfield should not have been qualified to run for the Florida House in 2024, because she had previously served in the Florida House for eight (8) consecutive years from 2008 to 2016. Yet neither the Secretary nor anyone else challenged her right to run for election to the House in 2024, which she did, and won. The same can be said about State Senator Don Gaetz, who served as a State Senator for eight (8) consecutive years from 2006 to 2014, and then ran for and won election to his old Florida Senate seat in 2024. As with Mayfield's run for the Florida House in 2024, there was no objection to Sen. Gaetz seeking election the Florida Senate in 2024.

The interpretation of Section 4 that is now, for the first time, being endorsed by the Secretary and Director, is, apparently, that if a candidate has ever held an office for eight (8) consecutive years, then they are forever barred from running for that office, even if there has been a break since their prior service. This novel interpretation does not comport with the plain reading of Section 4, as further discussed below, nor would it be consistent with how Section 4 has been interpreted and understood in the years leading up to today.

Further, Section 4 only applies to candidates appearing “on the ballot **for re-election.**” (emphasis added). One can only run for “re-election” if one is the **incumbent** officeholder of the office one is seeking. *See, e.g.*, Fla. Stat. § 106.143(6) (“No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word ‘re-elect.’”). Had the intention been to forever bar a candidate from seeking an office they had previously held for eight (8) consecutive years, then Section 4 should have used the term “for election,” rather than “for re-election.”

Notably, the ballot summary for Amendment 9 in 1992, which was passed by the voters and resulted in Section 4, stated:

**LIMITED POLITICAL TERMS IN CERTAIN
ELECTIVE OFFICES**

Limits terms by prohibiting incumbents who have held the same elective office for the **preceding** eight years from appearing on the ballot for **re-election** to that office. Offices covered are: Florida Representative and Senator Terms of office beginning before approval are not counted.

Ray v. Mortham, 742 So. 2d 1276, 1279 (Fla. 1999) (emphasis added);
see also Advisory Opinion to Attorney Gen.--Ltd. Political Terms in

Certain Elective Offices, 592 So. 2d 225, 228-29 (Fla. 1991) (holding that this ballot summary of Amendment 9 satisfied the requirement that it be “fair and advise[d] the voter sufficiently to enable him [or her] intelligently to cast his [or her] ballot.”).

Thus, Section 4 was always meant to limit solely incumbents of an office who had held that office for the “preceding” eight (8) years from seeking “re-election” to that same office. It has never been intended, interpreted, or understood to limit someone like Mayfield, or Sen. Gaetz, from seeking to be **elected anew** to an office that they are not the incumbent of, but had held sometime previously for eight (8) consecutive years. To hold otherwise would be novel and wrong.

Accordingly, as the above demonstrates, Section 4 cannot be read to preclude Mayfield from running **anew** for SD 19. As such, the Court should issue writs of quo warranto and writs of mandamus as requested herein, and as otherwise may be necessary, to ensure that Mayfield appears on the ballots for the SD 19 Special Election.

CONCLUSION

For the foregoing reasons, the Court should issue writs of quo warranto and writs of mandamus to the Secretary, Director, and/or

Supervisor, as necessary to ensure that Mayfield's name appears on the ballots (primary and general) for the SD 19 Special Election.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of this Emergency Petition for Writ of Quo Warranto and Writ of Mandamus was filed through the Florida e-filing Portal and has been furnished this 6th day of February pursuant to Florida Rule of General Practice and Judicial Administration 2.516(b) via email to: (1) the Florida Secretary of State and to the Office of General Counsel for the Florida Department of State to SecretaryofState@DOS.MyFlorida.com and DOS.GeneralCounsel@DOS.MyFlorida.com; (2) the Director of the Florida Division of Elections to DivElections@dos.myflorida.com; (3) the Brevard County Supervisor of Elections to SOE@VoteBrevard.gov; and (4) the Office of the Attorney General of the State of Florida to oag.civil.eserve@myfloridalegal.com.

In addition, this Emergency Petition for Writ of Quo Warranto and Writ of Mandamus has also been sent via FedEx Overnight mail on this 6th day of February, 2025, to:

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CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that the size and style of type used in this brief is Bookman Old Style 14-point Font and complies with the font, word/page count, and other requirements of Florida Rule of Appellate Procedure 9.100(l).

s/ Ricardo A. Reyes
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DESIGNATION OF EMAIL ADDRESSES

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