

FILED

UNITED STATES DISTRICT COURT

for the

Middle District of Florida

Orlando Division

FILED
FEB -4 AM 11:25
U.S. DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO, FLORIDAAndrew S. Dodge
Danelle L. Dodge

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

LAUREL M. LEE, in her official
capacity as Florida Secretary of State,
ASHLEY MOODY, in her official
capacity as Florida Attorney General,

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Case No.

6:22-cv-221-WWB-DCI

(to be filled in by the Clerk's Office)

COMPLAINT AND REQUEST FOR INJUNCTION

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name	Andrew S. Dodge and Danelle L. Dodge
Street Address	395 Harbor Dr.
City and County	Cape Canaveral, Brevard County
State and Zip Code	FL 32920
Telephone Number	253-278-9301
E-mail Address	dodgea@totalrecallinc.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1**Name** Laurel M. Lee**Job or Title** *(if known)* Florida Secretary of State**Street Address** 500 South Bronough Street**City and County** Tallahassee, Leon County**State and Zip Code** FL 32399**Telephone Number** 850-245-6500**E-mail Address** *(if known)* _____**Defendant No. 2****Name** Ashley Moody**Job or Title** *(if known)* Florida Attorney General**Street Address** PL-01 The Capitol**City and County** Tallahassee, Leon County**State and Zip Code** FL 32399**Telephone Number** 850-414-3300**E-mail Address** *(if known)* _____**Defendant No. 3****Name** Lori Scott**Job or Title** *(if known)* Supervisor of Elections Brevard County FL**Street Address** 2725 Judge Fran Jamieson Way, Bldg C, Suite 105**City and County** Viera, Brevard County**State and Zip Code** FL**Telephone Number** 32940**E-mail Address** *(if known)* SOE@VoteBrevard.gov**Defendant No. 4****Name** _____**Job or Title** *(if known)* _____**Street Address** _____**City and County** _____**State and Zip Code** _____**Telephone Number** _____**E-mail Address** *(if known)* _____

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? *(check all that apply)*

☒ Federal question ☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

Constitution Article 1 Section 2
Constitution First Amendment

B. If the Basis for Jurisdiction Is Diversity of Citizenship**1. The Plaintiff(s)****a. If the plaintiff is an individual**

The plaintiff, *(name)* _____, is a citizen of the
State of *(name)* _____.

b. If the plaintiff is a corporation

The plaintiff, *(name)* _____, is incorporated
under the laws of the State of *(name)* _____,
and has its principal place of business in the State of *(name)* _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, *(name)* _____, is a citizen of
the State of *(name)* _____. Or is a citizen of
(foreign nation) _____.

b. If the defendant is a corporation

The defendant, *(name)* _____, is incorporated under the laws of the State of *(name)* _____, and has its principal place of business in the State of *(name)* _____.

Or is incorporated under the laws of *(foreign nation)* _____, and has its principal place of business in *(name)* _____.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because *(explain)*:

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the injunction or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

A. Where did the events giving rise to your claim(s) occur?

Florida Senate Bill was signed into law, which includes Chapter 99 Section 021, subsection 2, stating "Each candidate for federal office whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath of affirmation in writing" the statute goes on to include the oath "That the person has been a registered member of the political party for which he or she is seeking nomination as a candidate for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify" and further goes on to include "In addition, any person seeking to qualify for office as a candidate with no party affiliation shall, at the time of subscribing to the oath or affirmation, state in writing that he or she is registered without any party affiliation and that he or she has not been a registered member of any political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify". Exhibits 1,2,4, and 5

Andrew Dodge changed his affiliation in November so this would mean he has no right to run for the US Congressional District #8 under Florida Law. Danelle Dodge does have an affiliation so that she can vote in the primary, but would like to run as an independent, which also is not possible according to the Florida State Law, meaning her only course of action is to run as a Democrat who she does not feel currently reflects her values any longer. Florida has made the SB90 Oath as a requirement officially sign up as a candidate let alone to qualify to even be on the ballot.

This curtails our freedom of speech and the ability to run for public office to represent our fellow Americans. However more basically this eliminates our right to a government of the people, by the people and for the people. How can we be a democracy if we have no right to run in an election. This impacts us as all voting material from the county and state makes clear this 365 day requirement, and indicates we will not be on the general election ballot if we do not make this affirmation in front of the officer when we petition for our names to be included. In fact this is the first form to file to qualify. This forces us into a position of perjury in order to exercise our constitutional right to run for a political office and or chills the possible voters and funding we receive if voters and donors believe we will not be on the ballot due to this state law.

B. What date and approximate time did the events giving rise to your claim(s) occur?

SB90 was signed into law on 5/6/2021. We however became aware of this portion of the law when we went to download the forms to run as a candidate on 1/7/2022.

C. What are the facts underlying your claim(s)? *(For example: What happened to you? Who did what? Was anyone else involved? Who else saw what happened?)*

- 1) The Constitution in Article 1 Section 2 States: No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.
 - 2) The U.S. Supreme Court in *U.S. Term Limits, Inc v. Thornton*, 514 U.S. 779 (1995) which unequivocally states "the Supreme Court of the United States ruled that states cannot impose qualifications for prospective members of the U.S. Congress stricter than those specified in the Constitution". Exhibit 3.
 - 3) The Majority Opinion was "the right to choose representatives belongs not to the States, but to the people". Exhibit 3.
 - 4) Florida Chapter 99.021 (exhibit 1 and 2) clearly attempts to impose qualifications on "prospective members of the U.S. Congress stricter than those specified in the Constitution" by requiring an independent candidate having for 365 days prior to the qualifying date as being labeled non partisan or with the party they must run with. This clearly effectively puts a qualification on a prospective member of the U.S. Congress and eliminates large portions of the American Public. Exhibit 5 and 5.
 - 5) If the candidate was an all write-in candidate how would Florida enforce this law? Would they require this as an additional oath at the time the candidate takes the Oath to the Constitution in Washington DC, or immediately disqualify them and not count their votes?
-

IV. Irreparable Injury

Explain why monetary damages at a later time would not adequately compensate you for the injuries you sustained, are sustaining, or will sustain as a result of the events described above, or why such compensation could not be measured.

It is impossible to run for office and take the position if you are not on the ballot or counted when the vote is tallied. Recruiting donors and voters becomes irreparably impossible when you cannot assure anyone you will be on the ballot due to this required technicality. Once the ballots are printed there is a very clear disadvantage to anyone not on the ballot because they did not meet this unconstitutional law. Furthermore most would not start their candidacy because they do not want to perjure themselves. Florida goes further and even requires write-in candidates to take an oath. This has already infringed on our ability to file the required paperwork for candidacy.

V. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Preliminary Injunction.

1) The merits of this case are clear and Florida has no right to pass a law imposing stricter qualifications than the constitution already states. Florida is even using the same language in "Qualifications" as was specifically identified in U.S. Supreme Court case *U.S. Term Limits Inc. v. Thornton* 514 U.S. 779 (1995) Exhibit 3.

2) We currently cannot qualify as Exhibit 4 and Exhibit 5 show that we are required to take this unconstitutional oath in order to exercise the right to run for public office. Since we cannot take that oath without perjuring ourselves we are not eligible to be voted on in Florida. Florida even requires an oath for write-in candidates to be filled out prior to the elections, which defeats the purpose of a write-in candidate. This is extremely time sensitive since every day subtracts from the days we have to campaign and get donors and signatures to run. If not acted on immediately we cannot run again for 2 years. This also results in the voters not having a democratic choice come November.

3) Furthermore there is no hard ship for the state of Florida. This law did not exist for years in Florida so an injunction could do no harm. In fact SB90 was supposed to protect against voter fraud, this clearly in no way impacts voter fraud on its merits since it only impacts who can run for office.

4) As the majority opinion stated in the U.S. Supreme Court case, "the right to choose representatives belongs not to the state, but to the people." The public interest in this case is clear, the people should have all possible options available in the voting booth.

This appears to meet all requirements of an immediate Preliminary Injunction.

Permanent Relief.

1) Immediately strike down this unconstitutional law in its entirety and make it clear that this type of gerrymandering potential candidates for our representation is unconstitutional and reprehensible. This needs to be expressed to all the people so we can have anyone that qualifies under the constitution and wishes to run for office, do so.

2) Optionally, require the state of Florida to remove all party designations from all elections when voting and from elected offices and require every candidate to follow the same signature guidelines with no option of pay to bypass. This would level the playing field as intended and ensure this type of undemocratic actions would not be tried in the future.

VI. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Pro Se 2 (Rev. 12/16) Complaint and Request for Injunction

Date of signing: 02/03/2022

Signature of Plaintiff

Printed Name of Plaintiff


Andrew S. Dodge and Danelle L. Dodge

B. For Attorneys

Date of signing:

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address