

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
OF FLORIDA, IN AND FOR MIAMI-DADE COUNTY
CIVIL DIVISION
CASE NO. 2026-020505-CA-01 (22)**

**GEORGE E. DUELL MORGAN,
Plaintiff,**

vs.

**CITY OF NORTH MIAMI, FLORIDA;
ALINA GARGIA, Supervisor of Elections; and
ALIX DESULME,
Defendants.**

**DEFENDANT ALIX DESULME'S EMERGENCY VERIFIED
COUNTERCLAIM AGAINST PLAINTIFF/COUNTER-DEFENDANT
MORGAN FOR DECLARATORY AND INJUNCTIVE RELIEF**

Defendant Alix Desulme brings this Counterclaim against Counter-Defendants George E. Duell Morgan, City of North Miami, Florida, and Alina Garcia in her capacity as Miami-Dade Supervisor of Elections. He seeks a declaration removing Morgan from the ballot as a qualified candidate and ordering the City of North Miami, Florida to reopen qualifying for a special election to take place on December 1, 2026, the day North Miami is already scheduled to conduct a run-off election.

I. STATEMENT OF CLAIM

1. This is an emergency election action, brought pursuant to

section 99.0211, Florida Statutes, and chapter 86, Florida Statutes, seeking declaratory and injunctive relief concerning whether Counter-Defendant George E. Duell Morgan lawfully qualified as a candidate for Mayor of the City of North Miami for the November 3, 2026 municipal election when he did not pay the required filing fee and election assessment within the time required for qualifying.

2. Morgan is now the only candidate who has filed for office in view of this Court's ruling on October 19, 2026, disqualifying Desulme as a candidate for North Miami Mayor. Mayor Desulme is in the process of appealing that decision.

3. The City has identified Morgan as having qualified for election as Mayor.

4. The City has put Morgan on notice that his payment of the qualifying fee is insufficient as required by Florida law and the North Miami Code.

5. Florida law, in §99.061(1), Florida Statutes, requires as a condition of qualifying that candidates pay the correct qualifying fee consisting of the "filing fee and election assessment ..."

6. The North Miami Code equally requires payment of the filing fee and election assessment within the period of qualifying. §6-21(d)

& (e), North Miami Charter and Code of Ordinances.

7. Morgan's Election Assessment deficiency is identified in **Attachment A.**

8. Morgan failed to pay the required \$898.80 "Election Assessment" in full at the time of qualifying or within the qualifying period.

9. North Miami put Morgan on notice of his deficiency in failing to file the required \$898.80 Election Assessment as a required component of his filing fee.

10. The qualification period for Mayor of North Miami for the 2026 election scheduled on November 3, 2026, is August 10 – August 20, 2026.

11. Morgan did not correct his qualifying fee shortfall within the allowable qualification period.

12. Substantial compliance in matters involving the payment of the statutory (and municipal) required qualifying fee is not allowed by Florida law.

13. Desulme seeks an expedited final hearing under section 99.0211(4), a judicial declaration that Morgan failed to qualify, and injunctive relief directing the City and the Supervisor of Elections to

implement § 99.0211(4) and DE Reference Guide 0007, if applicable to ensure that voters are notified that votes cast for Morgan will not be counted, and to reopen qualifying for the Office of North Miami Mayor for a special election to occur on December 1, 2026, the date the City of North Miami is already scheduled to conduct a city-wide election as demonstrated in Defendant Alix Desulme's Supplemental Response filed on October 16, 2026, and incorporated into this Counterclaim.

II. JURISDICTION AND VENUE

14. This Court has subject-matter jurisdiction pursuant to Article V, section 5(b) of the Florida Constitution; §§ 26.012, 86.011, 86.021, 86.051, 86.061, 86.101, and 99.0211(2), Florida Statutes; and the Court's inherent equitable jurisdiction.

15. Section 99.0211(2), Florida Statutes, expressly authorizes "[a] candidate . . . with a candidate in the same race" to "challenge a candidate's compliance with subsection (1) by filing an action for declaratory and injunctive relief in the circuit court for the county in which the filing officer is headquartered." The filing officer, the North Miami City Clerk, is headquartered in Miami-Dade County.

16. Until a final decision is rendered in this matter, Desulme

remains a candidate for the Office of North Miami Mayor.

17. Section 86.011 authorizes this Court to declare rights, status, and other equitable or legal relations and to grant additional, alternative, coercive, subsequent, or supplemental relief.

18. A bona fide, actual, present, and practical controversy exists concerning whether Morgan lawfully qualified as a candidate for Mayor.

19. Venue is proper in Miami-Dade County because the City is located in Miami-Dade County; Morgan submitted the challenged qualifying instruments in Miami-Dade County; Morgan and Desulme seek a municipal office located in Miami-Dade County; and the Supervisor of Elections administers the election in Miami-Dade County.

20. This matter requires expedited consideration because the election is scheduled for November 3, 2026; vote-by-mail ballots have been mailed; early voting began October 20, 2026; and § 99.0211(4) entitles Plaintiff to “an expedited final hearing.”

III. CONDITIONS PRECEDENT

21. All conditions precedent to bringing this action have occurred, have been satisfied, or have been waived.

22. Before filing this Counterclaim, Desulme provided written notice to the City and City Attorney, with copies to the Supervisor of Elections and to Morgan, identifying the defect in Morgan's qualifying instruments

23. Morgan did not rectify the defect within the qualifying period.

IV. THE PARTIES

24. Counter-Defendant George E. Duell Morgan, is sui juris, a resident and elector of the City of North Miami, and a candidate for Mayor of the City of North Miami, although unqualified for that office, for the November 3, 2026 municipal election.

25. Counter-Defendant, City of North Miami, Florida, is a Florida municipal corporation located in Miami-Dade County.

26. Pursuant to section 6-3 of the North Miami Municipal Election Code, the City Clerk serves as the City's Supervisor of Municipal Elections and is charged with ensuring that City elections are conducted in a proper and legal manner. Section 6-3 further authorizes the City Clerk to delegate responsibilities for administering City elections to the Miami-Dade County Supervisor of Elections.

27. Counter-Defendant Alina Garcia is the Miami-Dade County Supervisor of Elections and is sued solely in her official capacity. The Supervisor of Elections prepares the ballot, mails vote-by-mail ballots, conducts early voting and election-day voting, and canvasses and certifies results for the November 3, 2026 North Miami municipal election. She is the officer charged by § 99.0211(4) with removing a disqualified candidate's name from the ballot or taking other actions deemed required by Florida law.

28. Counter-Plaintiff Alix Desulme is sui juris, is the incumbent Mayor of the City of North Miami, and has sought and obtained qualification by the Clerk as a candidate for re-election as Mayor.

V. GENERAL ALLEGATIONS

A. The North Miami Election and Qualifying Period

29. The City will conduct its regular municipal election on November 3, 2026. The office of Mayor is on the ballot.

30. The City's qualifying period began on August 10, 2026, at 8:30 a.m. and ended on August 20, 2026, at 12:00 noon.

31. All items necessary for qualification were required to be received by the City Clerk no later than 12:00 noon on August 20, 2026. § 99.061(7)(a), Fla. Stat.

31. Morgan failed to pay the required qualifying fee, including the correct election assessment, within the qualifying period.

32. Section 6-21(e) of the North Miami Municipal Election Code and § 99.061(7)(a), Florida Statutes provide that candidates must pay the election assessment fee in full within the qualifying period.

33. Florida law mandates that the “Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.” *Id.*

VI. BASIS FOR EMERGENCY RELIEF

34. This action concerns a municipal election scheduled for November 3, 2026. Qualifying closed on August 20, 2026. The City presently lists Morgan as a candidate for Mayor.

35. Vote-by-mail ballots have been mailed. Early voting began on October 19, 2026, and continues through November 1, 2026. The cost, burden, and disruption of having voters cast ballots for an unqualified candidate deprives the North Miami citizens of their right to elect their office holders.

36. Immediate judicial review will minimize disruption to the election process. The public interest favors prompt resolution of candidate-qualification disputes.

VII. CAUSES OF ACTION

COUNT I — DECLARATORY JUDGMENT
(Sections 99.0211 and 86.011, Florida Statutes — Against
All Defendants)

37. Counter-Plaintiff realleges and incorporates all prior paragraphs as though fully set forth herein.

38. This Count is brought pursuant to section 99.0211, Florida Statutes, which authorizes a candidate in the same race to challenge his opponent's compliance with the statutory requirements for the office by an action for declaratory and injunctive relief, and pursuant to chapter 86, Florida Statutes.

39. Until a final decision is reached in this matter, Desulme and Morgan are candidates in the same race. Desulme therefore has standing and statutory authority to maintain this action. § 99.0211(2), Fla. Stat.

40. There exists a bona fide, actual, present, and practical need for a declaration concerning whether Morgan is lawfully qualified as a candidate for Mayor of North Miami.

41. Counter-Plaintiff's rights and the rights of the North Miami voters are directly affected by whether Morgan is legally entitled to be recognized as a qualified candidate on the ballot.

42. Morgan claims the right to remain a qualified candidate. The

City presently recognizes Desulme as qualified. The Supervisor of Elections is responsible for implementing § 99.0211(4). The parties possess actual, present, adverse, and antagonistic interests concerning the legal question presented.

43. Section 99.061(7)(a)1., Florida Statutes, and § 6-21(d) of the North Miami Code required Morgan, to qualify, to pay the full qualifying fee by 12:00 noon on August 20, 2026.

44. Morgan failed to file the correct qualifying fee.

45. The controversy is ripe for judicial determination, and Counter- is entitled to an expedited final hearing.

46. Counter-Plaintiff Desulme is entitled to an emergency determination that Morgan did not satisfy the qualifying requirement of paying his qualifying fee within the qualifying period and is not a qualified candidate, declare that the City reopen qualifying and set the mayoral election for a special election on the already scheduled December 1, 2026 run-off election if there are no other qualified candidates for office, and grant any other relief that is just and proper.

COUNT II — TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

47. Counter-Plaintiff realleges and incorporates all prior

paragraphs as though fully set forth herein.

48. Counter-Plaintiff seeks temporary and permanent injunctive relief pursuant to section 99.0211, Florida Statutes, the Court's inherent equitable authority, and Florida Rule of Civil Procedure 1.610.

49. Counter-Plaintiff has a substantial likelihood of success on the merits. Section 99.061(7)(a)1. and City Code § 6-21(d) require payment in full of the qualifying fee within the qualification period.

50. Morgan did not comply with that requirement.

51. Counter-Plaintiff and the voters will suffer immediate and irreparable injury absent injunctive relief because Morgan's continued recognition as a candidate will deprive the voters of their right to elect any qualified candidate for Mayor.

52. Money damages cannot compensate Counter-Plaintiff or the voters for an unlawfully constituted election.

53. Counter-Plaintiff has no adequate remedy at law.

54. The public interest favors the uniform application of the election laws to every candidate on the ballot and the orderly administration of elections involving only candidates who satisfy the applicable qualification requirements.

55. The requested relief does not require the City or the Supervisor of Elections to independently adjudicate a contested qualification dispute. It requires the election officials to implement the determination entered by this Court.

56. To the extent security is required under Florida Rule of Civil Procedure 1.610(b), Counter-Plaintiff requests that the Court impose no bond or a nominal bond because the requested injunction concerns the proper administration of a public election and Counter-Defendants will suffer no compensable monetary injury from complying with Florida election law.

57. Counter-Plaintiff requests an expedited hearing upon reasonable notice to all Counter-Defendants and an opportunity for each Counter-Defendant to be heard.

58. Counter-Plaintiff requests that this Court order the City to remove Morgan from the ballot, and enjoin the Supervisor or the City from certifying any election results in the absence of a qualified candidate for Mayor, and direct the Clerk to take all necessary action to reopen qualifying for a special election to be conducted on December 1, 2026, as already scheduled for North Miami.

59. Counter-Plaintiff further asks the Court to set no bond or a

nominal bond pursuant to Florida Rule of Civil Procedure 1.610(b); award Counter-Plaintiff taxable costs as permitted by law; and grant such other and further relief as the Court deems just and proper.

VIII. RIGHT TO AMEND

Counter-Plaintiff reserves the right to amend this Counterclaim as necessary based upon additional records or evidence concerning Morgan's lack of qualification.

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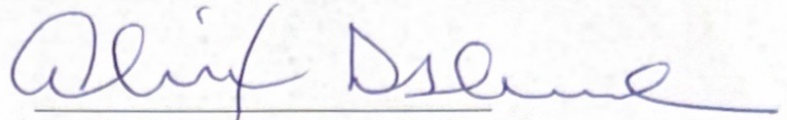
BENEDICT P. KUEHNE

Florida Bar No. 233293

VERIFICATION BY ALIX DESULME

Under penalties of perjury, in accordance with § 92.525, Florida Statutes, I declare that I have read the foregoing Counterclaim in its entirety and that the facts stated in it are true.

October 19, 2026


ALIX DESULME

CERTIFICATE OF SERVICE

I certify this document was efiled through the Florida E-Filing Portal and served on all counsel of record on October 19, 2026.

/s/Benedict P. Kuehne
BENEDICT P. KUEHNE



Government

Departments

Resident Services

Doing Business

Online Services



Search

Calendar of Reporting Dates
for 2025 - 2026

Campaign Signs

Candidates and Campaign
Reports

City District Map (PDF)

Clean Campaign Packet

Forms for Candidacy

Legislation

Poll Watching

Public Notices

Voter Information

Qualifying by Petition and
Deadline

Qualifying Times and Fees for
Election

Quick Links

Qualifying Times and Fees for Election

General Election

Tuesday, November 3, 2026

Run-Off Election

Tuesday, December 1, 2026

Qualifying Dates

Start: Monday, August 10, 2026, at 8:30 AM

End: Thursday, August 20, 2026, at 12:00 PM (noon)

Filing Fee

5% of salary

1st Check Payable to: City of North Miami

Mayor: \$4,494.00

Council: \$3,895.50

Election Assessment

1% of salary

2nd Check Payable to: Election Trust Fund

Mayor: \$898.80

Council: \$779.10

Salary Information

Mayor: \$89,880

Council: \$77,910

EXHIBIT A, page 1

Committee to Elect George Morgan
For Mayor 2026
P. O. Box 510956
North Miami, Florida 33261

DATE 08/18/26

1024
63-1482/670

PAY ELECTION TRUST FUND

TO THE ORDER OF

\$ 898.00

EIGHT HUNDRED NINETY-EIGHT AND 00/100

DOLLARS



TD Bank
12620 Biscayne Blvd.
North Miami, Florida 33181

FOR

FEE 1%

George Morgan

MP

Committee to Elect George Morgan
For Mayor 2026
P. O. Box 510956
North Miami, Florida 33261

DATE 08/18/26

1023
63-1482/670

PAY

CITY OF NORTH MIAMI

\$ 4,494.00

TO THE ORDER OF

FOUR THOUSAND FOUR HUNDRED & NINETY-FOUR

DOLLARS



TD Bank
12620 Biscayne Blvd.
North Miami, Florida 33181

FOR

FILED FEE

George Morgan