

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

GEORGE E. DUELL MORGAN,

Plaintiff,

v.

CITY OF NORTH MIAMI, FLORIDA;  
ALINA GARCIA, in her official capacity as  
Miami-Dade County Supervisor of Elections;  
and ALIX DESULME, individually,

Defendants.

CASE NO.: \_\_\_\_\_

DIVISION: ELECTIONS

**EMERGENCY ELECTION  
MATTER  
EXPEDITED FINAL HEARING  
REQUESTED  
PURSUANT TO § 99.0211(4), FLA.  
STAT.**

**EMERGENCY COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF  
(Sections 99.0211 and 86.011, Florida Statutes)**

Plaintiff, GEORGE E. DUELL MORGAN (“Plaintiff” or “Morgan”), by and through undersigned counsel, sues Defendants, CITY OF NORTH MIAMI, FLORIDA (the “City”), ALINA GARCIA, in her official capacity as MIAMI-DADE COUNTY SUPERVISOR OF ELECTIONS (the “Supervisor of Elections” or “SOE”), and ALIX DESULME, individually (“Desulme” or “Mayor Desulme”), and alleges:

**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 Defendant Alix Desulme lawfully qualified as a candidate for Mayor of the City of North Miami for the November 3, 2026 municipal election.

2. Plaintiff and Desulme are the only two candidates for the office of Mayor of North Miami in that election.

3. The City presently identifies both Plaintiff and Desulme as qualified candidates for Mayor.

4. Florida law requires a candidate who qualifies by paying the applicable qualifying fee to timely submit “[a] properly executed check drawn upon the candidate’s campaign account.” § 99.061(7)(a)1., Fla. Stat. (2026). The City’s Municipal Election Code independently requires that “[p]ayment of the fee shall be by a check drawn on the candidate’s campaign account payable to the City of North Miami.” North Miami Code § 6-21(d).

5. Desulme did not submit a check drawn upon his campaign account. He submitted two TD Bank “Official Checks”—cashier’s checks drawn by TD Bank, N.A. upon itself and signed by a bank signatory on the line marked “Authorized Signature.” (Exhibit B).

6. A cashier’s check is, by definition, “a draft with respect to which the drawer and drawee are the same bank.” § 673.1041(7), Fla. Stat. It is “payable from the issuing bank’s own account,” *Warren Fin., Inc. v. Barnett Bank of Jacksonville, N.A.*, 552 So. 2d 194, 197 (Fla. 1989), and is not “a check drawn upon the candidate’s campaign account.” *Boatman v. Hardee*, 254 So. 3d 604, 608 n.2 (Fla. 1st DCA 2018); *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026); *Spiritis v. Botel*, 384 So. 3d 260, 264 (Fla. 4th DCA 2024).

7. Independently, the instruments were not “properly executed.” Desulme’s Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, designates Emmanuella Fluerimont as his campaign treasurer. (Exhibit A).

8. Section 106.11(1)(b)4., Florida Statutes, requires that a check drawn upon a campaign account bear “[t]he signature of the campaign treasurer or deputy treasurer.” The instruments Desulme tendered do not bear Ms. Fluerimont’s signature; they bear the signature of

a TD Bank signatory, which is facially dissimilar to Ms. Fluerimont's signature in Box 29 of the DS-DE 9. (Exhibit C).

9. This Court has already construed the phrase "properly executed check" in section 99.061(7)(a)1, in this very election. In *Timothe v. City of North Miami*, No. 2026-017398-CA-01 (Fla. 11th Cir. Ct. Sept. 3, 2026) (Green, J.), the Court held, relying on *Amador v. Secretary, Florida Department of State*, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026), that a qualifying check for the North Miami District 2 City Council seat that was not signed by the designated campaign treasurer "did not constitute the 'properly executed check' required by section 99.061(7)(a)1.," declared that the candidate "is not a qualified candidate," and directed the Supervisor of Elections to implement DE Reference Guide 0007. (Exhibit D).

10. Plaintiff seeks an expedited final hearing under section 99.0211(4), a judicial declaration that Desulme failed to qualify, and injunctive relief directing the City and the Supervisor of Elections to implement section 99.0211(4) and DE Reference Guide 0007 to ensure that voters are notified that votes cast for Desulme will not be counted.

## II. JURISDICTION AND VENUE

11. This Court has subject-matter jurisdiction pursuant to Article V, section 5(b) of the Florida Constitution; sections 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.

12. 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.

13. 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.

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

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

16. This matter requires expedited consideration because the election is scheduled for November 3, 2026; vote-by-mail ballots have been mailed; early voting begins October 19, 2026; and section 99.0211(4) entitles Plaintiff to “an expedited final hearing.”

### **III. CONDITIONS PRECEDENT**

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

18. On October 6, 2026, prior to initiating this action, Plaintiff, through undersigned counsel, provided written notice to the City Manager, City Clerk, and City Attorney, with copies to the Supervisor of Elections and her counsel, identifying the defects in Desulme’s qualifying instruments and demanding corrective action by 5:00 p.m. on October 8, 2026. A copy of Plaintiff’s written notice and demand is attached as Exhibit “E.”

19. The City did not take the corrective action demanded. The parties’ competing positions establish an actual and immediate controversy requiring judicial determination.

#### IV. THE PARTIES

20. Plaintiff, George E. Duell Morgan, is sui juris, a resident and elector of the City of North Miami, and a duly qualified candidate for Mayor of the City of North Miami in the November 3, 2026 municipal election. The City identifies Plaintiff as a qualified candidate for Mayor. (Exhibit F).

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

22. 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.

23. 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 section 99.0211(4) with removing a disqualified candidate's name from the ballot or, if ballots have already been printed, with including the required notice with each vote-by-mail ballot and posting the required notice at each early voting location and polling precinct.

24. Defendant Alix Desulme is sui juris, is the incumbent Mayor of the City of North Miami, and has sought and purportedly obtained qualification as a candidate for re-election as Mayor. Desulme is joined because the declaration requested herein directly affects his claimed right to appear on the ballot as a qualified candidate. See § 86.091, Fla. Stat.

## **V. GENERAL ALLEGATIONS**

### **A. The North Miami Election and Qualifying Period**

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

26. 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. (Exhibit G, City Clerk's Checklist of Candidate Packet).

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

28. Plaintiff timely qualified as a candidate for Mayor. Desulme elected to qualify by paying the applicable qualifying fee and election assessment.

### **B. The City Code and Section 99.061(7) Require a Check Drawn on the Campaign Account**

29. Section 6-21(d) of the North Miami Municipal Election Code provides that, unless a candidate qualifies through the City's alternative petition method, the qualifying fee must be paid at the time the qualification papers are filed, and expressly states: "Payment of the fee shall be by a check drawn on the candidate's campaign account payable to the City of North Miami."

30. Section 6-4 of the North Miami Municipal Election Code provides: "In all matters pertaining to elections in the city where the same are not specifically provided for by this or any other ordinance, the laws of the state providing the rules, regulations and methods for holding elections and ascertaining the results thereof shall govern." See also § 100.3605(1), Fla. Stat. (Florida Election Code governs municipal elections "in the absence of an applicable special act, charter, or ordinance provision").

31. Section 99.061(7)(a), Florida Statutes, provides:

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In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period: 1. A properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by s. 99.092 . . .

32. The statute concludes: "Failure to pay the fee as provided in this subparagraph shall disqualify the candidate."

33. Florida's appellate courts have held that section 99.061(7) applies to municipal elections where, as here, the municipality incorporates the general election laws of Florida and has enacted no charter or ordinance provision specifying a different source of payment. *Thompson v. North Bay Village*, No. 3D26-1785, slip op. at 3–5 (Fla. 3d DCA Aug. 21, 2026); *Spiritis v. Botel*, 384 So. 3d 260, 262–64 (Fla. 4th DCA 2024); *Pedraza v. City of Miramar*, 401 So. 3d 1195 (Fla. 4th DCA 2025). Here, the City Code affirmatively adopts the same requirement. North Miami Code § 6-21(d).

34. This Court applied section 99.061(7)(a)1. to the City's November 3, 2026 municipal election in *Timothe*, disqualifying a candidate who failed to comply with section 99.061(7). (Exhibit D at 2).

**C. Desulme Designated Emmanuella Fluerimont as Campaign Treasurer**

35. On May 1, 2026, Desulme filed his Form DS-DE 9 with the North Miami City Clerk. A true and correct copy is attached as Exhibit "A."

36. The DS-DE 9 identifies Alix Desulme as a candidate for "Mayor of North Miami."

37. In Box 10 and Box 11 of the DS-DE 9, Desulme appointed Emmanuella Fluerimont as his Campaign Treasurer.

38. In Box 18 through Box 24, Desulme designated TD Bank, 12620 Biscayne Boulevard, North Miami, Florida 33161, as his Primary Depository.

39. In Box 27 through Box 29, Ms. Fluerimont accepted the appointment as Campaign Treasurer, dated her acceptance May 1, 2026, and affixed her signature in Box 29.

40. Desulme did not designate himself as campaign treasurer or deputy campaign treasurer, and did not designate any deputy campaign treasurer.

41. Desulme signed the DS-DE 9 in Box 26 under the declaration, made “under penalties of perjury,” that the facts stated in it are true.

42. Upon information and belief, Desulme did not file a superseding DS-DE 9 appointing himself, or any other person, as campaign treasurer or deputy campaign treasurer before the close of qualifying on August 20, 2026.

**D. Desulme Tendered Two TD Bank Cashier’s Checks, Not Checks Drawn on His Campaign Account**

43. On August 10, 2026, Desulme tendered his qualifying papers to the City Clerk together with two instruments in purported satisfaction of the qualifying fee and election assessment. True and correct copies of the two instruments, as maintained in the City Clerk’s qualifying file, are attached as Exhibit “B.”

44. Each instrument is captioned, in large type across its top border, “OFFICIAL CHECK,” and bears the TD Bank logo.

45. The first instrument is TD Bank Official Check No. 77545367-8, dated 08/10/2026, payable to the order of “CITY OF NORTH MIAMI” in the amount of \$4,494.00.

46. The second instrument is TD Bank Official Check No. 77545366-7, dated 08/10/2026, payable to the order of “ELECTION TRUST FUND” in the amount of \$898.80.

47. Each instrument states on its face: “DRAWER: TD BANK, N.A.”

48. Each instrument is signed on a line printed “AUTHORIZED SIGNATURE” beneath the words “DRAWER: TD BANK, N.A.” The signature is that of a TD Bank signatory, not that of Desulme or his campaign treasurer.

49. Each instrument bears, in the remitter field, the notation “RE: REELECT ALIX DESULME.” Neither instrument identifies, or is drawn upon, any account of the Alix Desulme campaign. Neither instrument bears the name of the campaign account, and neither is signed by the campaign treasurer.

50. An “official check” Desulme submitted is a cashier’s check. Under Florida’s law, a “[c]ashier’s check” is “a draft with respect to which the drawer and drawee are the same bank or branches of the same bank.” § 673.1041(7), Fla. Stat. “[A] cashier’s check is payable from the issuing bank’s own account.” *Warren Fin.*, 552 So. 2d at 197.

51. The instruments Desulme tendered were therefore drawn upon TD Bank, N.A.—not upon “the candidate’s campaign account.”

52. Upon information and belief, Desulme did not tender, before the close of qualifying, any check drawn upon his campaign account, and no such check was ever “returned by the bank” so as to trigger the statute’s limited allowance for a cashier’s check purchased from campaign funds.

53. Upon information and belief, the City Clerk accepted the instruments, deposited them, and thereafter listed Desulme as a qualified candidate for Mayor. (Exhibit F).

**E. A Cashier’s Check Does Not Satisfy Section 99.061(7)(a)1.**

54. In *Boatman v. Hardee*, 254 So. 3d 604 (Fla. 1st DCA 2018), a school board candidate paid his qualifying fee with a cashier’s check purchased with funds from his campaign account because his account was new and he did not want to use a “starter check.” The First District

held the statutory language—identical in relevant part to section 99.061(7)(a)1.—“unambiguous,” and held that “a cashier’s check is not a ‘check drawn upon the candidate’s campaign account’ . . . because a cashier’s check is drawn upon the bank.” *Id.* at 608 n.2. The court explained that the statute “clearly sets forth a process” under which a cashier’s check “may only be used on the condition that the campaign check is returned by the bank.” *Id.* at 608–09.

55. *Boatman* expressly rejected the arguments that the candidate substantially complied because the cashier’s check was funded from the campaign account, and that disqualification was an absurd result, holding that the substantial-compliance doctrine “does not apply to basic qualifying requirements, such as paying a proper fee.” *Id.* at 609–10 (citing *State ex rel. Siegendorf v. Stone*, 266 So. 2d 345, 347 n.3 (Fla. 1972)). The court noted that the Legislature “had good reason for requiring candidates to use campaign checks whenever possible,” because doing so “provides a ‘paper trail’ to ensure all expended funds came from the campaign account.” *Id.* at 611.

56. In *Spiritis v. Botel*, 384 So. 3d 260 (Fla. 4th DCA 2024), a Riviera Beach municipal candidate tendered the required amount by cashier’s check. The Fourth District held that section 99.061(7) unambiguously requires a properly executed check drawn on the campaign account, concluded that the candidate had not qualified, and stated: “We recognize this result is harsh. But section 99.061(7) is clear, and it is not for us to rewrite a statute to save a party in such a situation. We must enforce the law as written.” *Id.* at 264; see also *Wyly v. Felder*, 398 So. 3d 463 (Fla. 4th DCA 2024).

57. Most recently, in *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026), the Third District summarily affirmed a final judgment upholding the North Bay Village Clerk’s disqualification of a commission candidate who, one hour before the close of

qualifying, tendered “a bank-issued cashier’s check, instead of a check drawn upon [his] campaign account, as required by section 99.061(7)(a)1.” The court held that “a Village candidate’s qualifying fee must be paid by a properly executed check drawn on the candidate’s campaign account.” *Id.*, slip op. at 5. A copy of *Thompson* is attached as Exhibit “H.”

58. The Florida Supreme Court has likewise described the qualifying-fee requirement of section 99.061(7) as a “true bright line” to which the substantial-compliance doctrine does not apply. *Wright v. City of Miami Gardens*, 200 So. 3d 765, 772 (Fla. 2016). *Wright* afforded relief only because the candidate there “did everything right” and was disqualified “due to a banking error beyond the candidate’s control.” *Id.* Nothing about Desulme’s decision to purchase cashier’s checks rather than write checks on his campaign account was outside his control. See *Boatman*, 254 So. 3d at 611.

59. In *Amador v. Secretary, Florida Department of State*, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026), the Florida Supreme Court unanimously held that a candidate who paid his qualifying fee from a secondary rather than his primary campaign depository “attempted to pay his qualifying fee in a manner that Florida law does not permit,” and emphasized that the candidate “did not correct his error before the end of the statutory qualifying period.” *Id.* at 2. *Amador* confirms that related provisions of chapter 106 inform the meaning of the qualifying-check requirement in section 99.061(7)(a)1., and that an uncorrected defect in the qualifying instrument as of the close of qualifying is disqualifying.

60. The Florida Division of Elections, which is charged with obtaining and maintaining uniformity in the interpretation and implementation of the election laws, § 97.012(1), Fla. Stat., instructs in its March 26, 2026 candidate qualifying memorandum that the qualifying fee “[m]ust be on a properly executed check . . . drawn upon the candidate’s campaign account” and that

“[p]ersonal checks, cashiers’ checks, certified checks, cash, and money orders are not valid for qualifying.”

61. Because the instruments Desulme tendered were drawn upon TD Bank, N.A., and not upon his campaign account, Desulme failed to satisfy section 99.061(7)(a)1. and section 6-21(d) of the City Code, and “[f]ailure to pay the fee as provided in [that] subparagraph shall disqualify the candidate.” § 99.061(7)(a)1., Fla. Stat.

**F. Alternatively, the Instruments Were Not “Properly Executed” Because They Were Not Signed by the Designated Campaign Treasurer**

62. Section 99.061(7)(a)1. does not simply require that the filing officer receive payment in the correct amount. It requires timely receipt of a “*properly executed* check drawn upon the candidate’s campaign account.” The Legislature’s inclusion of the words “properly executed” must be given meaning.

63. Chapter 99 does not define “properly executed check.” In *Timothe*, this Court held that, consistent with *Amador*, “where Chapter 99 does not itself define what constitutes a ‘properly executed check,’ the Court must look to the related provisions of Chapter 106 governing execution of campaign-account checks.” (Exhibit D at 2).

64. Section 106.11(1), Florida Statutes, provides that expenditures from a candidate’s primary campaign depository shall be made “only in the following manner,” and that checks drawn upon the campaign account “shall contain, at a minimum, the following information: . . . 4. The signature of the campaign treasurer or deputy treasurer.” § 106.11(1)(b)4., Fla. Stat. The payment of a qualifying fee is a campaign expenditure.

65. The Florida Division of Elections’ 2026 State Qualifying Handbook instructs: “The check must be signed by the campaign treasurer or deputy treasurer. A check signed by a candidate who has not been designated as the treasurer or deputy treasurer is not acceptable.”

66. In *Timothe*, this Court declared that a qualifying check for the North Miami District 2 City Council seat that was signed by the candidate rather than by his designated campaign treasurer “did not constitute the ‘properly executed check’ required by section 99.061(7)(a)1.,” that the candidate “failed to satisfy a mandatory requirement necessary to qualify,” and that he “is not a qualified candidate” for the November 3, 2026 municipal election. (Exhibit D at 3).

67. Even if the Court were to treat Desulme’s TD Bank Official Checks as checks drawn upon his campaign account—which they are not—the instruments were not signed by Emmanuella Fluerimont, the only person Desulme designated as authorized to execute checks on his campaign account.

68. The signature appearing on each Official Check is the “Authorized Signature” of a TD Bank signatory executing the instrument on behalf of the bank as drawer. It is not Ms. Fluerimont’s signature. A side-by-side comparison of the signature on Official Check No. 77545367-8 and Ms. Fluerimont’s signature in Box 29 of the DS-DE 9 is attached as Exhibit “C.” The two signatures are facially dissimilar.

69. Accordingly, under either characterization of the instruments, Desulme did not submit a “properly executed check” within the meaning of section 99.061(7)(a)1. as construed by this Court in *Timothe*, and the defect was not corrected before the close of qualifying.

**G. The Clerk’s Acceptance and Deposit of the Instruments Did Not Cure the Defect**

70. Plaintiff does not dispute that the City initially accepted Desulme’s qualifying materials, that the City deposited or negotiated the instruments, or that the City listed Desulme as “Qualified.” None of those circumstances answers the legal question presented.

71. Section 99.061(7)(a) identifies what must be *received by the filing officer by the end of the qualifying period* for a candidate to qualify. The statutory inquiry concerns the legal

character of the instrument when tendered—not whether the financial institution later honored it or whether the City received the proceeds. Acceptance, deposit, or collection of funds does not retroactively alter who drew or who executed the instrument that was delivered before the deadline.

72. Nor does an initial administrative listing as “Qualified” insulate a candidate from judicial review. Section 99.0211(3) provides that a person “may not be qualified as a candidate . . . and his or her name may not appear on the ballot, if, in an order that has become final, the court determines that the candidate [did] not, at the time of qualification . . . satisfy all statutory and constitutional requirements for the office.” See also *Baker v. Jordan*, 397 So. 3d 197, 202 (Fla. 5th DCA 2024) (judicial disqualification after a candidate has been deemed qualified requires a constitutional or statutory basis); *Why*, 398 So. 3d 463. Plaintiff invokes a statutory basis: section 99.061(7)(a)1.

73. In *Timothe*, the City accepted and deposited Mr. Medina’s check on August 11, 2026, listed him as “Qualified,” and nonetheless on August 25, 2026—after qualifying had closed—notified him that he did not qualify because his qualifying fee was not properly executed. (Exhibit D at 2). The City then filed its own action for declaratory relief, which was consolidated with Ms. Timothe’s. This Court entered final judgment declaring Mr. Medina not qualified notwithstanding the City’s prior acceptance and deposit of his check and notwithstanding that his name had already been incorporated into the ballot. (Exhibit D at 3–4).

74. Likewise, in *Thompson*, the Village Clerk, after consulting the Village Attorney, disqualified the candidate after accepting his tender, and the Third District affirmed. *Thompson*, slip op. at 2–3. Regardless of the City’s act of accepting the check and listing him as qualified, Desulme, by failing to comply with 99.061(7) must be disqualified.

**H. This Action Is Timely and the Statute Expressly Contemplates Relief After Ballots Are Printed**

75. Section 99.0211 contains no pre-suit deadline, and the Legislature expressly provided for the circumstance in which a candidate is determined not to be qualified after ballots have been printed; the Supervisor of Elections “shall . . . include a notice with each vote-by-mail ballot, and post a notice at each early voting location and polling precinct, stating that a vote for such candidate will not be counted.” § 99.0211(4), Fla. Stat. The Florida Department of State’s DE Reference Guide 0007 prescribes the corresponding procedures, including notice to vote-by-mail voters, posting of notices at each polling place, and exclusion of votes cast for the disqualified candidate from the official results.

76. Plaintiff obtained copies of Desulme’s qualifying file from the City Clerk on or about October 2, 2026, and upon identifying the defects described above, provided written notice and demand to the City on October 6, 2026, and filed this action promptly thereafter.

77. This Court entered final judgment in *Timothe* on September 3, 2026, after Mr. Medina’s name had already been incorporated into the ballot, and fashioned relief under DE Reference Guide 0007 accordingly. (Exhibit D at 3–4). The same relief is available and appropriate here, and no party will be prejudiced by its entry before early voting begins on October 19, 2026.

**VI. BASIS FOR EMERGENCY RELIEF**

78. This action concerns an active municipal election scheduled for November 3, 2026. Qualifying closed on August 20, 2026. The City presently lists Desulme as a qualified candidate for Mayor.

79. Vote-by-mail ballots have been mailed. Early voting in Miami-Dade County begins on October 19, 2026 and continues through November 1, 2026. The cost, burden, and disruption

associated with implementing section 99.0211(4) increase materially with every day that passes, and the ability of voters to receive effective notice diminishes.

80. Plaintiff is the only other candidate for Mayor and will be required to compete for votes against Desulme if he remains a recognized candidate. The presence of a candidate who failed to satisfy the governing qualification requirements changes the composition of the electoral field and will alter the distribution of votes among the legally qualified candidates. Such injury cannot be compensated through money damages.

81. Once voting begins and concludes, effective judicial relief becomes substantially more difficult and may implicate the rights of voters who have already cast ballots. Plaintiff has no adequate remedy at law.

82. Immediate judicial review will minimize, rather than increase, disruption to the election process. The public interest favors prompt resolution of candidate-qualification disputes and the uniform enforcement, as to every candidate on the same ballot, of the rules this Court has already applied in this election.

## **VII. CAUSES OF ACTION**

### **COUNT I — DECLARATORY JUDGMENT**

**(Sections 99.0211 and 86.011, Florida Statutes — Against All Defendants)**

83. Plaintiff realleges and incorporates paragraphs 1 through 82 as though fully set forth herein.

84. 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.

85. Plaintiff and Desulme are candidates in the same race. Plaintiff therefore has standing and statutory authority to maintain this action. § 99.0211(2), Fla. Stat.; *Timothe*, Exhibit D at 2.

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

87. Plaintiff's rights as a qualified candidate are directly affected by whether Desulme is legally entitled to be recognized as a qualified candidate on the same ballot.

88. Desulme claims a right to remain a qualified candidate and, upon information and belief, disputes Plaintiff's legal position. The City presently recognizes Desulme as qualified. The Supervisor of Elections is responsible for implementing section 99.0211(4). The parties therefore possess actual, present, adverse, and antagonistic interests concerning the legal question presented.

89. Section 99.061(7)(a)1., Florida Statutes, and section 6-21(d) of the North Miami Code required Desulme, in order to qualify, to cause the filing officer to receive, by 12:00 noon on August 20, 2026, a properly executed check drawn upon his campaign account.

90. The instruments Desulme tendered were cashier's checks drawn by TD Bank, N.A. upon itself, not checks drawn upon Desulme's campaign account.

91. Alternatively, the instruments were not properly executed because they were not signed by Emmanuella Fluerimont, Desulme's designated campaign treasurer, or by any designated deputy campaign treasurer, as required by section 106.11(1)(b)4., Florida Statutes, and as this Court held in *Timothe*.

92. The material facts concerning the nature of the instruments, the identity of the drawer, the identity of the designated campaign treasurer, and the identity of the signatory appear on the face of the relevant documents.

93. Upon information and belief, Desulme did not correct or replace the instruments before the expiration of the qualifying period.

94. Desulme therefore did not, at the time of qualification, satisfy all statutory requirements for the office of Mayor of North Miami within the meaning of section 99.0211(1) and (3), Florida Statutes.

95. The controversy is ripe for judicial determination, and Plaintiff is entitled to an expedited final hearing. § 99.0211(4), Fla. Stat.

WHEREFORE, Plaintiff, GEORGE E. DUELL MORGAN, respectfully requests that this Court:

- A. Determine that an emergency exists and set this action for an expedited final hearing pursuant to section 99.0211(4), Florida Statutes;
- B. Declare that a cashier's check or "official check" drawn by a bank upon itself is not "a properly executed check drawn upon the candidate's campaign account" within the meaning of section 99.061(7)(a)1., Florida Statutes, or "a check drawn on the candidate's campaign account" within the meaning of section 6-21(d) of the North Miami Code;
- C. Declare, in the alternative, that a qualifying check not signed by the candidate's designated campaign treasurer or deputy campaign treasurer is not a "properly executed check" within the meaning of section 99.061(7)(a)1., Florida Statutes;
- D. Declare that the TD Bank Official Checks tendered by Alix Desulme on August 10, 2026 did not satisfy the qualifying requirement imposed by section 99.061(7)(a)1., Florida Statutes, and section 6-21(d) of the North Miami Code;

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- E. Declare that Alix Desulme failed to timely satisfy the statutory requirements for qualification and is not a qualified candidate for Mayor of the City of North Miami in the November 3, 2026 municipal election, within the meaning of section 99.0211(3), Florida Statutes;
  - F. Declare that the City's initial acceptance of the instruments, its subsequent deposit or negotiation of them, and its listing of Desulme as "Qualified" do not cure the failure to timely submit the statutorily required qualifying instrument;
  - G. Award Plaintiff taxable costs as permitted by law; and
  - H. Grant such other and further relief as the Court deems just and proper.

**COUNT II — TEMPORARY AND PERMANENT INJUNCTIVE RELIEF**

**(Section 99.0211 and Fla. R. Civ. P. 1.610 — Against the City of North Miami and the Supervisor of Elections)**

96. Plaintiff realleges and incorporates paragraphs 1 through 82 as though fully set forth herein.

97. 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.

98. Plaintiff has a substantial likelihood of success on the merits. Section 99.061(7)(a)1. and City Code section 6-21(d) require a properly executed check drawn upon the candidate's campaign account. The documentary evidence establishes that Desulme tendered cashier's checks drawn by TD Bank, N.A., signed by a bank signatory rather than by his designated campaign treasurer. Binding and persuasive authority—*Thompson*, *Boatman*, *Spiritis*, *Pedraza*, *Wright*, *Amador*, and this Court's final judgment in *Timothe*—establishes that such instruments do not satisfy the statute and that the defect cannot be excused or cured after the close of qualifying.

99. Plaintiff will suffer immediate and irreparable injury absent injunctive relief because Desulme's continued recognition as a qualified candidate will alter the field of candidates with whom Plaintiff must compete for votes, and because votes cast for a candidate who was not legally qualified cannot be recaptured or redistributed after the fact.

100. Money damages cannot compensate Plaintiff for an unlawfully constituted election. Plaintiff has no adequate remedy at law.

101. The public interest favors the uniform application of the election laws to every candidate on the same ballot, the orderly administration of elections involving only candidates who satisfy the applicable qualification requirements, and the prompt notice to voters that section 99.0211(4) requires.

102. 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, in the manner the Legislature prescribed in section 99.0211(4) and the Department of State prescribed in DE Reference Guide 0007—the same relief this Court ordered in *Timothe*.

103. To the extent security is required under Florida Rule of Civil Procedure 1.610(b), 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 Defendants will suffer no compensable monetary injury from complying with Florida election law.

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

WHEREFORE, Plaintiff, GEORGE E. DUELL MORGAN, respectfully requests that this Court:

- NOT AN OFFICIAL COPY - PUBLIC ACCESS
- A. Determine that an emergency exists and immediately set this matter for an expedited hearing;
  - B. Upon determining that Desulme failed to satisfy section 99.061(7)(a)1., Florida Statutes, temporarily and thereafter permanently enjoin the City of North Miami from certifying, maintaining, publishing, or otherwise treating Alix Desulme as a qualified candidate for Mayor, and direct the City to recognize and treat Desulme as a candidate who has been judicially determined not to have qualified;
  - C. Direct the City to amend its list of qualified candidates accordingly and to immediately transmit this Court's order to the Supervisor of Elections;
  - D. Direct the Supervisor of Elections, pursuant to section 99.0211(4), Florida Statutes, and DE Reference Guide 0007, to: (i) provide notice to each voter receiving a vote-by-mail ballot that Alix Desulme has been determined not to be a qualified candidate and that votes cast for him will not be counted; (ii) post the required notices at each early voting location and polling place within the City of North Miami; (iii) ensure that votes cast for Alix Desulme are not counted, reported, canvassed, or certified as valid votes in the mayoral race; and (iv) comply with all other applicable requirements of DE Reference Guide 0007;
  - E. Direct that the official results of the North Miami mayoral race reflect and certify only votes lawfully cast for the remaining qualified candidate;
  - F. Alternatively, enter such narrower temporary relief as is necessary to preserve the Court's ability to provide effective final relief while minimizing unnecessary disruption to election administration;

- G. Set no bond or a nominal bond pursuant to Florida Rule of Civil Procedure 1.610(b);
- H. Award Plaintiff taxable costs as permitted by law; and
- I. Grant such other and further relief as the Court deems just and proper.

### **VIII. RIGHT TO AMEND**

Plaintiff respectfully reserves the right to amend this Complaint as necessary based upon additional records or evidence concerning Desulme's qualification, including any subsequent or amended DS-DE 9, any designation of a deputy campaign treasurer, any replacement qualifying instrument, TD Bank's records concerning the purchase of the Official Checks, communications concerning Desulme's qualifying materials, and records concerning the City's processing and certification of Desulme as qualified.

Respectfully submitted this 8<sup>th</sup> day of October, 2026.

Sasha Bardelas, P.A.  
350 Sevilla Avenue, Suite 200  
Coral Gables, Florida 33134  
Telephone: 305-424-7060  
Primary e-mail: Sasha@sbblaw.net

By: /s/ Sasha Bardelas  
Sasha Bardelas, Esq.  
Florida Bar No. 20674  
*Counsel for Plaintiff George E. Duell Morgan*

### VERIFICATION

Under penalties of perjury, I declare that I have read the foregoing Emergency Complaint for Declaratory and Injunctive Relief and that the facts stated in it are true, except as to matters alleged on information and belief, and as to those matters I believe them to be true. § 92.525(2), Fla. Stat.

Dated: October 8th, 2026

/s/George E. Duell Morgan  
GEORGE E. DUELL MORGAN

## INDEX OF EXHIBITS

- Exhibit A** Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates (Form DS-DE 9) of Alix Desulme, received by the City Clerk May 1, 2026
- Exhibit B** TD Bank Official Check No. 77545367-8 (\$4,494.00, payable to City of North Miami) and TD Bank Official Check No. 77545366-7 (\$898.80, payable to Election Trust Fund), each dated August 10, 2026
- Exhibit C** Signature comparison: “Authorized Signature” on TD Bank Official Check No. 77545367-8 and signature of Emmanuella Fluerimont in Box 29 of the DS-DE 9
- Exhibit D** Final Judgment, *Timothe v. City of North Miami*, No. 2026-017398-CA-01 (Fla. 11th Cir. Ct. Sept. 3, 2026)
- Exhibit E** Plaintiff’s written notice and demand to the City of North Miami dated October 6, 2026
- Exhibit F** City of North Miami published list of 2026 candidates for Mayor
- Exhibit G** City Clerk’s Checklist of Candidate Packet — 2026 North Miami General Election (qualifying period)
- Exhibit H** *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026)

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT A**

Appointment of Campaign Treasurer and Designation of Campaign  
Depository for Candidates (Form DS-DE 9) of Alix Desulme, received by  
the City Clerk May 1, 2026

Received

MAY 1 2026

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

NOTE: This form must be on file with the filing officer before opening the campaign account.

City Of North Miami  
City Clerk's Office

OFFICE USE ONLY

**1. CHECK APPROPRIATE BOX(ES):**☒ Initial Filing of Form ☐ Re-filing to Change: ☒ Treasurer/Deputy ☐ Depository ☐ Office ☐ Party**2. Name of Candidate** (in this order: First, Middle, Last):  
(Please Print or Type Name)

Alix Desulme

**3. Address** (include PO Box or Street, City, State, Zip Code):**4. Telephone:**

( )

**5. Candidate's Voter Registration #:**

109901619

(not required for qualifying purposes)

**6. Email Address:**

alixdesulmecampaign@gmail.com

**7. Office Sought** (include district, circuit, group, or seat #):

Mayor of North Miami

**8. If a candidate for a nonpartisan office, check the box if applicable:**☐ I intend to run as a Write-In Candidate.**9. If a candidate for partisan office, check the box and fill in the name of the party as applicable:** I intend to run as a☐ Write-In Candidate. ☒ No Party Affiliation Candidate. ☐ \_\_\_\_\_ Party candidate.**10. I have appointed the following person to act as my:**☒ Campaign Treasurer☐ Deputy Treasurer**11. Name of Treasurer or Deputy Treasurer:**

Emmanuella Fluerimont

**12. Telephone:**

(786)406-5886

**13. Email Address:**

alixdesulmecampaign@gmail.

**14. Mailing Address:**

1151 NW 126th Street

**15. City:**

North Miami

**16. State:**

Florida

**17. Zip Code:**

33168

**18. I have designated the following bank as my** (check appropriate box): ☒ Primary Depository ☐ Secondary Depository**19. Name of Bank:**

TD Bank

**20. Address:**

12620 Biscayne Blvd

**21. City:**

North Miami

**22. County:**

Miami-Dade

**23. State:**

Florida

**24. Zip Code:**

33161

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR THE APPOINTMENT OF THE CAMPAIGN TREASURER AND DESIGNATION OF THE CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

**25. Date:** 5/1/2026**26. Signature of Candidate:**

X

Alix Desulme

**27. Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate box)I, Emmanuella Fluerimont do hereby accept the appointment designated above as:  
(Please Print or Type Name)☒ Campaign Treasurer.☐ Deputy Treasurer.**28. Date:** 5/1/2026**29. Signature of Campaign Treasurer or Deputy Treasurer**

X

Emmanuella Fluerimont

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT B**

TD Bank Official Check No. 77545367-8 (\$4,494.00, payable to City of North Miami) and TD Bank Official Check No. 77545366-7 (\$898.80, payable to Election Trust Fund), each dated August 10, 2026

NOT AN OFFICIAL COPY - PUBLIC ACCESS

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**TD Bank**

**OFFICIAL CHECK**

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

77545366-7

RE: REELECT ALIX DESULME

DATE: 08/10/2026

52-0133  
112

PAY TO THE ORDER OF

ELECTION TRUST FUND  
Eight Hundred Ninety Eight AND 80/100

\$898.80

RUB HERE TO REVEAL SECURITY FEATURES

Security Features Details on Back.

DRAWER: TD BANK, N.A.

*[Signature]*

AUTHORIZED SIGNATURE

MP

[Redacted MICR line]

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**TD Bank**

**OFFICIAL CHECK**

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

77545367-8

RE: REELECT ALIX DESULME

DATE: 08/10/2026

52-0133  
112

PAY TO THE ORDER OF

CITY OF NORTH MIAMI  
Four Thousand Four Hundred Ninety Four AND 00/100

\$4,494.00

RUB HERE TO REVEAL SECURITY FEATURES

Security Features Details on Back.

DRAWER: TD BANK, N.A.

*[Signature]*

AUTHORIZED SIGNATURE

MP

[Redacted MICR line]

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT C**

Signature comparison: "Authorized Signature" on TD Bank Official Check  
No. 77545367-8 and signature of Emmanuella Fluerimont in Box 29 of the  
DS-DE 9

Comparison

HOLD DOCUMENT UP TO THE LIGHT TO VIEW TRUE WATERMARK

**TD Bank**

**OFFICIAL CHECK**

77545367-8

52-0133  
112

RE: REELECT ALIX DESULME DATE: 08/10/2026

AY TO THE  
RDER OF

CITY OF NORTH MIAMI  
Four Thousand Four Hundred Ninety Four AND 00/100

\$4,494.00

DRAWER: TD BANK, N.A.

*[Signature]*

AUTHORIZED SIGNATURE

STOP  
FOUNTAIN  
PEN  
DO NOT WRITE

Security  
Features  
Details on  
Back.

|                                                                                                                      |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)                         |                                                                                        |
| I, <u>Emmanuella Fluerimont</u> do hereby accept the appointment designated above as:<br>(Please Print or Type Name) |                                                                                        |
| <input checked="" type="checkbox"/> Campaign Treasurer. <input type="checkbox"/> Deputy Treasurer.                   |                                                                                        |
| 28. Date: <u>5/1/2026</u>                                                                                            | 29. Signature of Campaign Treasurer or Deputy Treasurer<br><u>X</u> <i>[Signature]</i> |
| DS-DE 9 (Rev. 09/23)                                                                                                 | Rule 1S-2.0001, F.A.C.                                                                 |

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT D**

Final Judgment, *Timothe v. City of North Miami*, No. 2026-017398-CA-01  
(Fla. 11th Cir. Ct. Sept. 3, 2026)

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL  
CIRCUIT IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

CASE NO: 2026-017398-CA-01

SECTION: CA13

JUDGE: Christopher Green

**Kassandra Timothe**

Plaintiff(s)

vs.

**City of North Miami, Florida et al**

Defendant(s)

**FINAL JUDGMENT BY JUDGE**

This matter came before the Court on the consolidated actions filed by Plaintiff Kassandra Timothe and the City of North Miami seeking declaratory relief concerning whether Defendant Hector L. Medina lawfully qualified as a candidate for the District 2 seat on the North Miami City Council for the November 3, 2026 municipal election.

The case was heard before the Court on September 1, 2026, upon Plaintiff Kassandra Timothe's Emergency Motion for Temporary Injunction and Expedited Hearing, together with Plaintiff's Supplemental Memorandum of Law and Notice of Supplemental Authority. Plaintiff appeared through counsel, Dedrick D. Straghn, Esq.; Defendant Hector L. Medina appeared through counsel, Juan-Carlos Planas, Esq.; Defendant City of North Miami appeared through Richard B. Rosengarten, Esq. and Amanda Pulido, Esq.; and Defendant Alina Garcia, in her official capacity as Miami-Dade County Supervisor of Elections, appeared through Oren Rosenthal, Esq.

The Court heard extensive arguments from all parties and reviewed the pleadings, motions, supplemental memoranda, exhibits, applicable statutes and authorities, and the record before the Court.

At the hearing, all parties agreed that the Court could proceed to a final determination on the merits of both consolidated actions pursuant to section 99.0211, Florida Statutes, rather than limit the September 1, 2026 hearing to Plaintiff's request for preliminary injunctive relief.

Accordingly, having considered the record and applicable law, and being otherwise fully advised in the premises, the Court makes the following findings of fact and conclusions of law based on the undisputed record evidence.

**FINDINGS AND CONCLUSIONS OF LAW**

Plaintiff Kassandra Timothe and Defendant Hector L. Medina are candidates for the same

North Miami District 2 City Council seat.

Section 99.0211, Florida Statutes, authorizes a candidate to challenge the candidacy of another candidate in the same race through an action for declaratory and injunctive relief. The Court therefore finds that Plaintiff possesses standing and statutory authority to maintain this action. Moreover, Medina conceded standing during the hearing.

This action is a challenge to Medina's qualification under Chapter 99, Florida Statutes. Plaintiff does not seek to enforce Chapter 106 as an independent private cause of action.

Section 99.061(7)(a)1., Florida Statutes, requires that, in order for a candidate to qualify, the filing officer timely receive: “a **properly executed** check drawn upon the candidate's campaign account...” Fla. Stat. § 99.061.

Chapter 99 does not independently define the term “properly executed check.” The Court and the parties agree that the 2026 State Qualifying Handbook published by the Florida Division of Elections is not controlling authority to interpret this phrase, and the handbook does not substitute for statutory construction.

The Florida Supreme Court's recent decision in Amador v. Secretary, Florida Department of State, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026), is controlling and instructive as to the manner in which the Court should construe undefined terms in Florida Statute section 99.061.

In Amador, the Florida Supreme Court interpreted the qualifying-check requirement contained in section 99.061 by consulting related provisions of Chapter 106 governing campaign accounts, writing, “To help understand the meaning of ‘campaign account’ in this context, one must look to related statutes in the election code,” including sections 106.021 and 106.11. *Id.* \*1.

Consistent with Amador, where Chapter 99 does not itself define what constitutes a “properly executed check,” the Court must look to the related provisions of Chapter 106 governing execution of campaign-account checks. Section 106.11, Florida Statutes, requires a campaign-account check to be signed by the campaign treasurer or deputy campaign treasurer. That section states expenditures from a candidate's primary campaign depository shall be made “only in the following manner,” including that the checks drawn upon the campaign account “shall contain, at a minimum, the following information.... The signature of the campaign treasurer or deputy treasurer.” § 106.11(b)4. It is undisputed that Medina's check for the qualification fee was a campaign account expenditure.

The record establishes that Medina filed a Form DS-DE 9 designating Alina Medina, his wife, as his campaign treasurer. Medina did not designate himself as campaign treasurer before executing and tendering the qualifying check at issue.

The qualifying period for the candidates began on August 10, 2026, and ended on August 20, 2026. Medina submitted his check to the City Clerk on August 11, 2026. On August 25, 2026, the City Clerk notified Medina that he did not qualify for a candidate for the Office of Councilperson because his qualifying fee was not properly executed. The City did not inform Medina of this deficiency prior to the end of the qualifying period.

It is undisputed in the record that Hector Medina was not the campaign treasurer when he signed his qualifying check. Accordingly, the Court finds the qualifying check personally executed by Hector Medina did not constitute the “properly executed check” required by section 99.061(7)(a)1., Florida Statutes. Because Medina failed to submit the properly executed qualifying check required by section 99.061(7)(a)1 within the applicable qualifying period, Medina failed to satisfy a mandatory requirement necessary to qualify as a candidate for the North Miami District 2 City Council seat.

The Court is compelled to apply the requirements of section 99.061 and the controlling authority of the Florida Supreme Court.

Accordingly, the Court finds and declares that HECTOR L. MEDINA did not properly qualify and is not a qualified candidate for the North Miami District 2 City Council seat in the November 3, 2026 municipal election. Plaintiff is therefore entitled to final declaratory and injunctive relief.

IT IS THEREFORE ORDERED AND ADJUDGED:

FINAL JUDGMENT is entered in favor of Plaintiff KASSANDRA TIMOTHE, and the declaratory relief requested by Plaintiff KASSANDRA TIMOTHE and by the CITY OF NORTH MIAMI in the consolidated action is GRANTED.

The Court **DECLARES** that Defendant HECTOR L. MEDINA failed to satisfy the qualifying requirement imposed by section 99.061(7)(a)1., Florida Statutes.

The Court **DECLARES** that the qualifying check executed and submitted by Medina was not a “properly executed check” within the meaning of section 99.061(7)(a)1.

The Court **DECLARES** that HECTOR L. MEDINA is not a qualified candidate for the North Miami District 2 City Council seat in the November 3, 2026 municipal election.

### **Injunctive Relief**

Defendant **CITY OF NORTH MIAMI** shall recognize and treat HECTOR L. MEDINA as a candidate who has been judicially determined **not to have qualified** for the North Miami District 2 City Council seat.

Defendant ALINA GARCIA, in her official capacity as Miami-Dade County Supervisor of Elections, is hereby **DIRECTED** to comply with the provisions of the Florida Department of State's DE Reference Guide 0007 governing removal/disqualification of a candidate after the candidate's name has already been included on the ballot.

Consistent with DE Reference Guide 0007 and the representations of the Supervisor of Elections to the Court, the Supervisor of Elections shall take the actions required by that guidance, including, as applicable:

- a. providing the required notice to voters receiving vote-by-mail ballots that Hector Medina has been determined not to be a qualified candidate and that votes cast for Medina will not count;

- b. posting the required notices at applicable early-voting locations;
- c. posting the required notices at applicable polling places within the City of North Miami;
- d. ensuring that any votes cast for Hector Medina are not counted, reported, canvassed, or certified as valid votes for the District 2 City Council race; and
- e. complying with all other applicable election-administration and public-record requirements prescribed by DE Reference Guide 0007.

Because Medina's name has already been incorporated into the ballot, this Final Judgment does not require the physical removal of Medina's printed name from ballots already prepared or programmed. Rather, the Supervisor of Elections shall implement the procedures required by DE Reference Guide 0007 so that voters are notified of Medina's disqualification and votes cast for Medina are not counted or certified.

The official election results for the North Miami District 2 City Council race shall reflect and certify only votes lawfully cast for the remaining qualified candidates.

### **Limited Stay**

Defendant Hector L. Medina requested a temporary stay of this Final Judgment to permit expedited appellate review.

After hearing from all parties and the Miami-Dade County Supervisor of Elections concerning the applicable vote-by-mail production schedule, the Court grants a limited stay through September 8, 2026, at 5:00 p.m.

Accordingly, implementation of the notice and vote-suppression procedures required by DE Reference Guide 0007 is STAYED until September 8, 2026, at 5:00 p.m., solely to permit Defendant Medina an opportunity to seek expedited appellate relief.

Unless an appellate court enters a further stay or other order affecting this Final Judgment on or before September 8, 2026, at 5:00 p.m., the stay imposed herein shall automatically expire without further order of this Court, and the Miami-Dade County Supervisor of Elections shall thereafter proceed immediately with implementation of DE Reference Guide 0007 consistent with this Final Judgment.

Nothing in this limited stay alters the Court's final determination that Hector L. Medina failed to qualify and is not a qualified candidate for the District 2 City Council seat.

IT IS FURTHER ADJUDGED, that by agreement of all parties, the September 1, 2026 hearing constituted an expedited final hearing on the merits pursuant to section 99.0211, Florida Statutes. This Final Judgment constitutes the Court's final determination on the merits of Plaintiff's claims for declaratory and injunctive relief as well as This Final Judgment disposes of the claims presented for adjudication in both consolidated cases and is final for purposes of appellate review.

The Court retains jurisdiction solely to enforce the terms of this Final Judgment and to enter such further orders as may be necessary to effectuate its terms.

**DONE and ORDERED** in Chambers at Miami-Dade County, Florida on this 3<sup>rd</sup> day of September, 2026.



2026-017398-CA-01 09-03-2026 4:27 PM

Hon. Christopher Green

**CIRCUIT COURT JUDGE**

Electronically Signed

Final Order as to All Parties UCR #: **CA010** (Disposed by Judge)

THE COURT DISMISSES THIS CASE AGAINST ANY PARTY NOT LISTED IN THIS FINAL ORDER OR PREVIOUS ORDER(S). THIS CASE IS CLOSED AS TO ALL PARTIES.

**Electronically Served:**

- Nicholas Oddo: noddo@jud11.flcourts.org
- Dedrick D. Straghn: dstraghn@yahoo.com
- Dedrick D. Straghn: dstraghn@yahoo.com
- Dedrick D. Straghn: dstraghn@yahoo.com
- Juan Carlos Planas: jcplanas@planaslawfirm.com
- Oren Rosenthal: oren.rosenthal@votemiamidade.gov
- Oren Rosenthal: orosent@gmail.com
- Oren Rosenthal: Jeanette.Rodriguez@votemiamidade.gov
- Richard Bradlee Rosengarten Esq.: rosengarten@wsh-law.com
- Richard Bradlee Rosengarten Esq.: szavala@wsh-law.com
- Tony Recio: trecio@wsh-law.com
- Tony Recio: msomodevilla@wsh-law.com
- Amanda Pulido: apulido@wsh-law.com
- Amanda Pulido: lbrewley@wsh-law.com

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT E**

Plaintiff's written notice and demand to the City of North Miami dated  
October 5, 2026

**Sasha Bardelas**  
ATTORNEY AT LAW

October 6, 2026

**VIA ELECTRONIC MAIL AND HAND DELIVERY**

Theresa Therilus, Esq.  
City Manager  
City of North Miami  
776 NE 125th Street  
North Miami, Florida 33161  
ttherilus@northmiamifl.gov

The Honorable Vanessa Joseph, Esq.  
City Clerk / Supervisor of Municipal Elections  
City of North Miami  
776 NE 125th Street  
North Miami, Florida 33161  
vajoseph@northmiamifl.gov

Jeff P.H. Cazeau, Esq.  
City Attorney  
City of North Miami  
776 NE 125th Street  
North Miami, Florida 33161  
jcazeau@northmiamifl.gov

**Re: Demand that the City of North Miami Determine that Alix Desulme Failed to Qualify as a Candidate for Mayor in the November 3, 2026 Municipal Election**

Dear City Manager Therilus, City Clerk Joseph, and City Attorney Cazeau:

This firm represents George E. Duell Morgan, a duly qualified candidate for Mayor of the City of North Miami (the "City") in the November 3, 2026 municipal election. This letter constitutes formal notice and demand, on Mr. Morgan's behalf, that the City determine that his opponent, incumbent Mayor Alix Desulme ("Desulme"), failed to satisfy the mandatory statutory requirements for qualification before the City's qualifying period closed at 12:00 noon on August 20, 2026, and that the City and the Miami-Dade County Supervisor of Elections implement the procedures required when a candidate is determined not to have qualified after the ballot has been prepared.

The defect is apparent on the face of the City's own qualifying records. It is the same category of defect that the City itself identified in August of this year when it notified District 2 candidate, Hector L. Medina, that he did not qualify, which Circuit Judge Christopher Green confirmed in *Timothe v. City of*

**Sasha Bardelas**  
ATTORNEY AT LAW

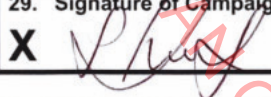
*North Miami*, Case No. 2026-017398-CA-01 (Fla. 11th Cir. Ct. Sept. 3, 2026) (Final Judgment). Mr. Morgan asks only that the City apply the same law, in the same election, to the incumbent Mayor that it applied to Mr. Medina.

**I. Desulme's Campaign Documents**

On May 1, 2026, Desulme filed with the City Clerk his Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates, Form DS-DE 9 (the "DS-DE 9"). In Box 10 and Box 11 of the DS-DE 9, Desulme appointed *Emmanuella Fluerimont* as his Campaign Treasurer.

|                                                                                                                                                          |                                   |                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|--------------------------------------------------|
| 10. I have appointed the following person to act as my: <input checked="" type="checkbox"/> Campaign Treasurer <input type="checkbox"/> Deputy Treasurer |                                   |                                                  |
| 11. Name of Treasurer or Deputy Treasurer:<br>Emmanuella Fluerimont                                                                                      | 12. Telephone:<br>(78640)406-5886 | 13. Email Address:<br>alixdesulmecampaign@gmail. |

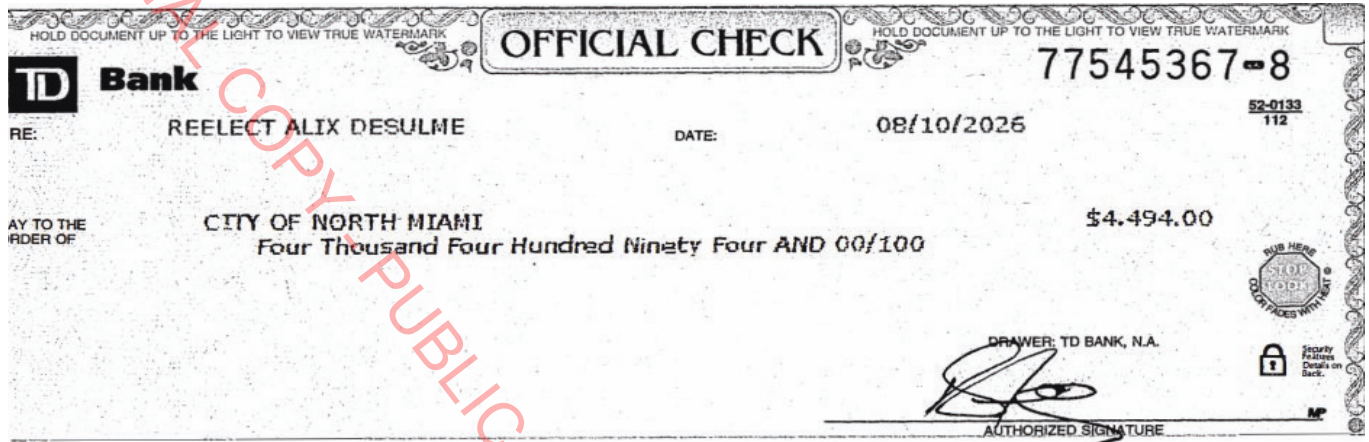
In Box 27 through Box 29, Ms. Fluerimont accepted the appointment as Campaign Treasurer and affixed her signature in Box 29.

|                                                                                                                      |                                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| 27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate box)                         |                                                                                                                                                 |
| I, <u>Emmanuella Fluerimont</u> do hereby accept the appointment designated above as:<br>(Please Print or Type Name) |                                                                                                                                                 |
| <input checked="" type="checkbox"/> Campaign Treasurer. <input type="checkbox"/> Deputy Treasurer.                   |                                                                                                                                                 |
| 28. Date:<br>5/1/2026                                                                                                | 29. Signature of Campaign Treasurer or Deputy Treasurer<br> |
| DS-DE 9 (Rev. 09/23) Rule 1S-2.0001, F.A.C.                                                                          |                                                                                                                                                 |

Desulme did not designate himself, or any other person, as campaign treasurer or deputy campaign treasurer. To our knowledge, no superseding DS-DE 9 was filed before the close of qualifying.

On August 10, 2026, Desulme tendered his qualifying papers to the City Clerk together with an "OFFICIAL CHECK" bearing the TD Bank logo, payable to the City of North Miami in the amount of \$4,494.00.

**Sasha Bardelas**  
ATTORNEY AT LAW



The instrument states on its face "DRAWER: TD BANK, N.A." and is signed on the line marked "AUTHORIZED SIGNATURE"—that is, by an authorized signatory of the bank. The remitter field of each instrument reads "RE: REELECT ALIX DESULME." The check is not drawn from Desulme's campaign account, nor does it bear the signature of *Emmanuella Fluerimont*. The "official check" shown above is clearly a cashier's check.<sup>1</sup>

## II. Desulme's Check Was Not "Drawn Upon the Candidate's Campaign Account"

Section 99.061(7)(a), Florida Statutes, provides that "[i]n order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period: 1. A properly executed check *drawn upon the candidate's campaign account* in an amount not less than the fee required by s. 99.092 . . ." (emphasis added). The City's Municipal Election Code is similarly clear. Section 6-21(d) of the North Miami Code of Ordinances requires that "[p]ayment of the fee shall be by a check drawn on the candidate's campaign account payable to the City of North Miami."

Florida's appellate courts have uniformly held that a cashier's check does not satisfy this requirement, even when it is purchased with campaign funds, and that the substantial-compliance doctrine does not excuse the defect:

- *Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21, 2026). Six weeks ago, the Third District summarily affirmed a final judgment upholding the North Bay Village Clerk's disqualification of a commission candidate who tendered "a bank-issued cashier's check, instead of a check drawn upon [his] campaign account, as required by section 99.061(7)(a)1." The court held that "a Village candidate's qualifying fee must be paid by a properly executed check drawn on the candidate's campaign account." Notably, the Village Clerk in *Thompson* made that determination herself, after consulting the Village

## Sasha Bardelas ATTORNEY AT LAW

Attorney. Both the trial court and appellate court affirmed her decision that the commission candidate was ineligible under Florida law.

- *Boatman v. Hardee*, 254 So. 3d 604 (Fla. 1st DCA 2018). A school board candidate paid his qualifying fee with a cashier's check purchased with funds from his campaign account because he did not want to use a "starter check." The court held the statute "unambiguous," that "a cashier's check is not a 'check drawn upon the candidate's campaign account' . . . because a cashier's check is drawn upon the bank," and that "neither the substantial compliance doctrine nor the absurd result doctrine entitles appellant to relief." *Id.* at 608 n.2, 612. Payment of the qualifying fee in the statutory form is a "basic qualifying requirement" to which substantial compliance does not apply. *Id.* at 609–10 (citing *State ex rel. Siegendorf v. Stone*, 266 So. 2d 345, 347 n.3 (Fla. 1972)).
- *Spiritis v. Botel*, 384 So. 3d 260 (Fla. 4th DCA 2024). A Riviera Beach municipal candidate tendered the correct amount by cashier's check. The Fourth District held that section 99.061(7) applies to municipal elections that incorporate the general election laws and "unambiguously" requires a check drawn on the campaign account: "We recognize this result is harsh. But section 99.061(7) is clear, and it is not for us to rewrite a statute to save a party in such a situation. We must enforce the law as written." *Id.* at 264; accord *Pedraza v. City of Miramar*, 401 So. 3d 1195 (Fla. 4th DCA 2025); *Wyly v. Felder*, 398 So. 3d 463 (Fla. 4th DCA 2024).
- *Amador v. Secretary, Florida Department of State*, No. SC2026-1039, 2026 WL 2323248 (Fla. Aug. 11, 2026). The Florida Supreme Court unanimously held that a Senate candidate who paid his qualifying fee from the wrong campaign account "attempted to pay his qualifying fee in a manner that Florida law does not permit," rejected the argument that election officials' ministerial role precluded them from refusing the defective instrument, and emphasized that the candidate "did not correct his error before the end of the statutory qualifying period."

Here, Desulme clearly paid his qualifying fee with a cashier's check. The check was not drawn from his campaign account. He did not pay in a manner required by the state statute and the City Code. Accordingly, Desulme is ineligible to qualify as a candidate for mayor.

### III. Even if Treated as a Campaign Check, the Instrument Was Not "Properly Executed"

Independently, even if the City were to treat a TD Bank Official Check as a check drawn on the campaign account, the instrument fails the statute's separate requirement that the check be "properly executed." This City has already decided that question in this election, regarding this City Clerk's qualifying process.

In *Timothe v. City of North Miami*, a judge in this Circuit held that a "properly executed check" drawn on the campaign account must contain "[t]he signature of the campaign treasurer or deputy

**Sasha Bardelas**  
ATTORNEY AT LAW

treasurer.” Because Medina had designated his wife as campaign treasurer and signed the qualifying check himself, the court found that his check “did not constitute the ‘properly executed check’ required by section 99.061(7)(a)1.” The court also held that Medina “failed to satisfy a mandatory requirement necessary to qualify” and disqualified him from the November 3, 2026 election. The court directed the Supervisor of Elections to notify voters that Medina was disqualified and to not count any votes cast for him.

Here, Desulme’s campaign manager did not execute the check submitted to the City. The signature on each Official Check appears above the printed words “AUTHORIZED SIGNATURE” beneath “DRAWER: TD BANK, N.A.” The check bears a bank signatory, and it is facially dissimilar to the signature of Emmanuella Fluerimont that appears in Box 29 of the DS-DE 9. Whatever the instrument is, it is not a check executed by the person Desulme designated as the only person authorized to sign checks on his campaign account.

Accordingly, Desulme is disqualified on either ground: the instrument is not drawn on his campaign account, and it is not signed by his campaign treasurer. Because the qualifying period closed on August 20, 2026, the defect cannot now be cured. *Amador*, 2026 WL 2323248, at 2; *Timothe*, Final Judgment at 2–3.

#### **IV. Acceptance and Deposit of the Check Did Not Cure the Defect**

Desulme may argue that, because the Clerk accepted the instruments and the funds cleared, the matter is closed. Medina’s counsel made that argument in August, and the Court rejected it. In *Timothe*, the City accepted and deposited Medina’s check on August 11, listed him as “Qualified,” and nonetheless, on August 25, 2026—five days after qualifying closed—notification that he did not qualify because his qualifying fee “was not properly executed.” The City then filed a declaratory action, which was consolidated with Ms. Timothe’s lawsuit. The Court determined that, regardless of the City acceptance of the check, Medina was ineligible for office. Similarly, the Third District affirmed the North Bay Village Clerk’s post-tender disqualification in *Thompson*. Nothing in section 99.061(7)(c) prevents the filing officer from determining that an item required by section 99.061(7)(a) was not received in the form the statute requires; that is precisely the ministerial, face-of-the-document determination the statute assigns to the Clerk.

Having determined that a check signed by the wrong person is not “properly executed,” the City cannot, consistent with the uniform application of the election laws, treat a check drawn by the wrong drawer and signed by a bank employee as sufficient when tendered by the incumbent Mayor. The electors of North Miami are entitled to the same rule for every candidate on the same ballot. The City must disqualify Desulme.

**Sasha Bardelas**  
ATTORNEY AT LAW

**V. Morgan's Demand**

Accordingly, on behalf of Mr. Morgan, we demand that, no later than 5:00 p.m. on Thursday, October 8, 2026:

1. The City Clerk, as Supervisor of Municipal Elections, determine and notify Desulme in writing that he failed to qualify as a candidate for Mayor of North Miami because the instruments received by the end of the qualifying period were not "properly executed check[s] drawn upon the candidate's campaign account" as required by section 99.061(7)(a)1., Florida Statutes, and section 6-21(d) of the City Code;
2. The City amend its published list of candidates to reflect that Desulme is not a qualified candidate for Mayor;
3. The City immediately notify the Miami-Dade County Supervisor of Elections of that determination and request that the Supervisor implement the procedures prescribed by section 99.0211(4), Florida Statutes, and DE Reference Guide 0007 for a candidate determined not to be qualified after ballots have been printed, including notice to vote-by-mail voters, posting of notices at each early-voting site and polling place within the City, and exclusion of votes cast for Desulme from the canvass and certification of the mayoral race;
4. Alternatively, and at a minimum, the City file an action for declaratory relief in the Circuit Court of the Eleventh Judicial Circuit, as it did with respect to Medina, so that the question is resolved by the court on an expedited basis before early voting begins on October 19, 2026; and
5. The City provide written confirmation of the action it will take by the deadline stated above.

If the City does not take the corrective action described above or confirm in writing that it will do so, Mr. Morgan will, without further notice, file an emergency action in the Circuit Court of the Eleventh Judicial Circuit pursuant to sections 99.0211 and 86.011 of the Florida Statutes, seeking an expedited final hearing, a declaration that Desulme failed to satisfy the statutory requirements for qualification at the time of qualification, and temporary and permanent injunctive relief directing the City and the Supervisor of Elections to implement section 99.0211(4). That action will name the City of North Miami, the Supervisor of Elections in her official capacity, and Desulme as defendants and will seek taxable costs. Section 99.0211(4) entitles Mr. Morgan to an expedited final hearing and expedited appellate consideration.

**Sasha Bardelas**  
ATTORNEY AT LAW

Nothing in this letter waives any claim, remedy, argument, or request for relief available to Mr. Morgan, all of which are expressly reserved. Given that vote-by-mail ballots have been mailed and early voting begins October 19, 2026, your immediate attention is required.

Sincerely,

Sasha Bardelas, Esq.  
Florida Bar No. 20674  
*Counsel for George E. Duell Morgan*

cc: The Honorable Alina Garcia, Miami-Dade County Supervisor of Elections, 2700 NW 87th Avenue, Miami, Florida 33172 (alina.garcia@votemiamidade.gov)

Oren Rosenthal, Esq., Counsel to the Supervisor of Elections  
(oren.rosenthal@votemiamidade.gov)

**VERIFIED AFFIDAVIT**

Case Number:

Plaintiffs:

**George E. Duell Morgan**

vs.

Defendant:

**City of North Miami**

For:

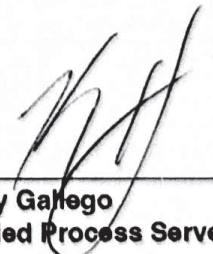
Sasha Bardelas, P.A.  
350 Sevilla Ave, Suite 200  
Coral Gables, FL 33134

Received by Kenny Gallego on the 6th day of October, 2026 at 12:03pm to be served on **Jeff P.H. Cazeau, Esq. as City Attorney, City of North Miami, 776 NE 125th St, North Miami, FL 33161.**

I, Kenny Gallego, do hereby affirm that on the **6th Day of October 2026 at 1:40pm, I:**

Served an **AUTHORIZED** the above named person with a true copy of this **DEMAND LETTER THAT THE CITY OF NORTH MIAMI DETERMINE THAT ALIX DESULME FAILED TO QUALIFY AS A CANDIDATE FOR MAYOR IN THE NOVEMBER 3, 2026 MUNICIPAL ELECTION** with the date and hour of service endorsed thereon by me to: **De Juanæ Claxton as Legal Office Administrator for City Attorney's Office** at the address of: **776 NE 125th St, North Miami, FL 33161** and informed said person of the contents therein in compliance with state statues.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit. Under penalties of perjury, I declare that I have read the forgoing Verified Affidavit and the facts in it are true and correct. Date: 10/6/26.

  
Kenny Gallego  
Certified Process Server # 2080

**VERIFIED AFFIDAVIT**

Case Number:

Plaintiffs:

**George E. Duell Morgan**

vs.

Defendant:

**City of North Miami**

For:

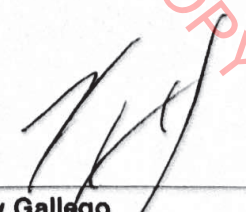
Sasha Bardelas, P.A.  
350 Sevilla Ave, Suite 200  
Coral Gables, FL 33134

Received by Kenny Gallego on the 6th day of October, 2026 at 12:03pm to be served on **Theresa Therilus, Esq., City Manager, City of North Miami, 776 NE 125th St, North Miami, FL 33161.**

I, Kenny Gallego, do hereby affirm that on the **6th Day of October 2026 at 1:40pm, I:**

Served an **AUTHORIZED** the above named person with a true copy of this **DEMAND LETTER THAT THE CITY OF NORTH MIAMI DETERMINE THAT ALIX DESULME FAILED TO QUALIFY AS A CANDIDATE FOR MAYOR IN THE NOVEMBER 3, 2026 MUNICIPAL ELECTION** with the date and hour of service endorsed thereon by me to: **De Juanæ Claxton as Legal Office Administrator for City Attorney's Office** at the address of: **776 NE 125th St, North Miami, FL 33161** and informed said person of the contents therein in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit. Under penalties of perjury, I declare that I have read the forgoing Verified Affidavit and the facts in it are true and correct. Date: 10/6/26.

  
Kenny Gallego  
Certified Process Server # 2080

## **VERIFIED AFFIDAVIT**

Case Number:

Plaintiffs:

**George E. Duell Morgan**

vs.

Defendant:

**City of North Miami**

For:

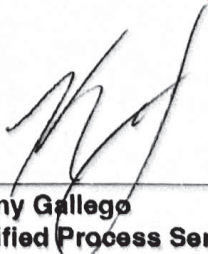
Sasha Bardelas, P.A.  
350 Sevilla Ave, Suite 200  
Coral Gables, FL 33134

Received by Kenny Gallego on the 6th day of October, 2026 at 12:03pm to be served on **The Honorable Vanessa Joseph, Esq., City Clerk / Supervisor of Elections, City of North Miami, 776 NE 125th St, North Miami, FL 33161**

I, Kenny Gallego, do hereby affirm that on the **6th Day of October 2026 at 1:40pm, I:**

Served an **AUTHORIZED** the above named person with a true copy of this **DEMAND LETTER THAT THE CITY OF NORTH MIAMI DETERMINE THAT ALIX DESULME FAILED TO QUALIFY AS A CANDIDATE FOR MAYOR IN THE NOVEMBER 3, 2026 MUNICIPAL ELECTION** with the date and hour of service endorsed thereon by me to: **De Juanæ Claxton as Legal Office Administrator for City Attorney's Office** at the address of: **776 NE 125th St, North Miami, FL 33161** and informed said person of the contents therein in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server in good standing in the judicial circuit. Under penalties of perjury, I declare that I have read the forgoing Verified Affidavit and the facts in it are true and correct. Date: 10/6/26.

  
Kenny Gallego  
Certified Process Server # 2080

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT F**

Miami-Dade County Official General Election Ballot, November 3, 2026  
(Final), cover page and page 10 of 73, listing the candidates for North Miami  
– Mayor

# FINAL

Official General Election Ballot  
November 3, 2026  
Miami-Dade County, Florida  
Boleta Oficial de las Elecciones Generales  
3 de noviembre del 2026  
Condado de Miami-Dade, Florida  
Bilten Vòt Ofisyèl Eleksyon Jeneral  
3 novanm 2026  
Konte Miami-Dade, Florid

**United States Senator**  
**Senador de los Estados Unidos**  
**Senatè Etazini**  
(Vote for 1 / Vote por 1 / Vote pou 1)

|                   |     |    |
|-------------------|-----|----|
| Ashley Moody      | REP | 10 |
| Angie Nixon       | DEM | 11 |
| Neil J. Gillespie | NPA | 12 |

**Representative in Congress, District 24**  
**Representante ante el Congreso, Distrito 24**  
**Reprezantan nan Kongrè, Distri 24**  
(Vote for 1 / Vote por 1 / Vote pou 1)

|                       |     |    |
|-----------------------|-----|----|
| Te Mayonna Brown      | REP | 13 |
| Oliver G. Gilbert III | DEM | 14 |

Write-in / Por escrito / Ekri alamen

**Representative in Congress, District 25**  
**Representante ante el Congreso, Distrito 25**  
**Reprezantan nan Kongrè, Distri 25**  
(Vote for 1 / Vote por 1 / Vote pou 1)

|                 |     |    |
|-----------------|-----|----|
| Scott Singer    | REP | 15 |
| Jared Moskowitz | DEM | 16 |
| Peter Jassenoff | LPF | 17 |

Write-in / Por escrito / Ekri alamen

**Representative in Congress, District 26**  
**Representante ante el Congreso, Distrito 26**  
**Reprezantan nan Kongrè, Distri 26**  
(Vote for 1 / Vote por 1 / Vote pou 1)

|                             |     |    |
|-----------------------------|-----|----|
| Mario Diaz-Balart           | REP | 20 |
| Nicole Locklin              | DEM | 21 |
| Deborah Ann Meidinger Hosey | NPA | 22 |

**Medley - for Council Member**

**Medley - para Concejal**

**Medley - pou Manm Konsèy**

(Vote for up to 2 / Vote por hasta 2 / Vote pou jiska 2)

|                  |     |
|------------------|-----|
| Edgar Ayala      | 150 |
| Gloria Hernandez | 151 |
| Ivan Pacheco     | 152 |
| Lizelh Rodriguez | 153 |
| Juan Stefano     | 154 |

**Miami Gardens - Residential Area**

**Council Member - Seat 4**

**Miami Gardens - Miembro del Concejo**

**de la Zona Residencial - Escaño 4**

**Miami Gardens - Manm Konsèy**

**Zòn Rezidansyèl - Syèl 4**

(Vote for 1 / Vote por 1 / Vote pou 1)

|                     |     |
|---------------------|-----|
| Mykita Cherry-Prime | 155 |
| Rod Mack            | 156 |

**North Miami - Mayor**

**North Miami - Alcalde**

**North Miami - Majistra**

(Vote for 1 / Vote por 1 / Vote pou 1)

|               |     |
|---------------|-----|
| Alix Desulme  | 157 |
| George Morgan | 158 |

**North Miami - Councilperson - District 2**

**North Miami - Concejal - Distrito 2**

**North Miami - Konseye Minisipal - Distri 2**

(Vote for 1 / Vote por 1 / Vote pou 1)

|                   |     |
|-------------------|-----|
| Brian Jinks       | 160 |
| Hector Medina     | 161 |
| Kassandra Timothe | 162 |

**North Miami - Councilperson - District 3**

**North Miami - Concejal - Distrito 3**

**North Miami - Konseye Minisipal - Distri 3**

(Vote for 1 / Vote por 1 / Vote pou 1)

|                    |     |
|--------------------|-----|
| Mary Estimé-Irvin  | 163 |
| Jobans Jules       | 164 |
| Carolina Matamoros | 165 |

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT G**

City Clerk's Checklist of Candidate Packet — 2026 North Miami General  
Election (qualifying period), as initialed and signed by Alix Desulme



Office of the City Clerk  
Vanessa Joseph, Esq.

**TO:** City of North Miami Municipal Candidate  
**FROM:** Vanessa Joseph, Esq., Elected City Clerk J.  
**SUBJECT:** Checklist of Candidate Packet - 2026 North Miami General Election

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Below is a list of all documents, forms, or publications that are included in the Qualifying Packet. By initialing the lines next to each item, you are acknowledging that you have received the document, form, or publication.

**PLEASE NOTE:**

**QUALIFYING BEGINS AUGUST 10, 2026, AT 8:30 AM EASTERN STANDARD TIME, AND ENDS ON AUGUST 20, 2026, AT 12:00 PM (NOON) EASTERN STANDARD TIME.**

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**CONTENT OF QUALIFYING PACKET**

**ELECTION INFORMATION**

1. ☒ Notice of Election, Resolution No. 2026-R-2
2. ☒ Qualifying Fees for Upcoming Elections
3. ☒ 2025 - 2026 Calendar of Financial Reporting Filing Dates
4. ☒ List of City of North Miami Precincts
5. ☒ Early Voting Schedule (MDCSE release date in mid-September)

**FILING AND QUALIFYING DOCUMENTS**

6. ☒ DS-DE 302NP Candidate Oath – Nonpartisan Office (Rev. 7/2026)
7. ☒ DS-DE 84 Statement of Candidate (Rev. 4/2026)
8. ☒ Affidavit of Residency of Candidate, City of North Miami
9. ☒ Declaration and First Amendment Waiver Form
10. ☒ CE Form 1 Statement of Financial Interest - (To be filed electronically via the Electronic Financial Disclosure Management System ([EFDMS]))
11. ☒ Loyalty Oath, For Candidate for Public Office
12. ☒ Declaration of Candidacy
13. ☒ City of North Miami Alternative Method Petition

Office of the City Clerk  
776 NE 125 Street | North Miami | Florida | 33161  
Office: 305.895.9817 Fax: 305.899.0497  
E-mail: [elections@northmiamifl.gov](mailto:elections@northmiamifl.gov) Web: [www.northmiamifl.gov](http://www.northmiamifl.gov)



Office of the City Clerk  
Vanessa Joseph, Esq.

14. ☒ Candidate Petition (Deadline: 7/13/2026 at 12:00 PM (noon))
15. ☒ DS-DE 125 Poll Watcher Designation Form and Instructions
16. ☒ MD-ED 26 Vote-by-Mail Ballot Activities Summary
17. ☒ MD-ED 28 Reporting of Solicitation of Contributions for Political Committees, Electioneering Communications Organizations, 501(c)(4) Organizations and Political Parties

#### **REFERENCE MATERIALS**

18. ☒ Guide to Sunshine Amendment and Code of Ethics for public officers:  
<https://ethics.state.fl.us/Documents/Publications/GuideBookletInternet.pdf?cp=2024723>
19. ☒ 2025 Election Laws of the State of Florida:  
<https://files.floridados.gov/media/706922/binder1-florida-election-code-2023.pdf>
20. ☒ North Miami Charter:  
[https://library.municode.com/fl/north\\_miami/codes/code\\_of\\_ordinances?nodeId=PTICHNOMI](https://library.municode.com/fl/north_miami/codes/code_of_ordinances?nodeId=PTICHNOMI)
21. ☒ North Miami Election Code:  
[https://library.municode.com/fl/north\\_miami/codes/code\\_of\\_ordinances?nodeId=PTIICOOR\\_CH6EL\\_ARTIIIISEL\\_S6-41CAEL](https://library.municode.com/fl/north_miami/codes/code_of_ordinances?nodeId=PTIICOOR_CH6EL_ARTIIIISEL_S6-41CAEL)
22. ☒ Candidate & Campaign Treasurer Handbook (Rev. 5/2026)
23. ☒ Contact Information

#### **MEMORANDUM**

24. ☒ Statement of Qualification and Voting Equipment Pretest

I hereby certify that I have paid the required qualifying fees as defined by the City of North Miami Code of Ordinance. I also certify that the materials referenced in this documents have been provided to me, that I will read and understand them, and that my questions regarding the information provided have been fully answered to my satisfaction.

Signature of Candidate

Alix Desulme  
Candidate Name

8/10/26  
Date

Date

Signature

ELECTED CITY CLERK /  
VANESSA JOSEPH

Office of the City Clerk  
776 NE 125 Street | North Miami | Florida | 33161  
Office: 305.895.9817 Fax: 305.899.0497

E-mail: [elections@northmiamifl.gov](mailto:elections@northmiamifl.gov)

Web: [www.northmiamifl.gov](http://www.northmiamifl.gov)

**IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT  
IN AND FOR MIAMI-DADE COUNTY, FLORIDA**

*George E. Duell Morgan v. City of North Miami, Florida, et al.*

**EXHIBIT H**

*Thompson v. North Bay Village*, No. 3D26-1785 (Fla. 3d DCA Aug. 21,  
2026)

# Third District Court of Appeal

State of Florida

Opinion filed August 21, 2026.

Not final until disposition of timely filed motion for rehearing.

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No. 3D26-1785

Lower Tribunal No. 26-16195-CA-01

---

**Zachary C. Thompson,**  
Appellant,

vs.

**North Bay Village, etc., et al.,**  
Appellees.

An Appeal from the Circuit Court for Miami-Dade County, Antonio  
Arzola, Judge.

The Burton Firm, P.A., and Marc A. Burton, for appellant.

Weiss Serota Helfman Cole & Bierman, P.L., and Richard B.  
Rosengarten, for appellees North Bay Village and Alba L. Chang.

Before SCALES, C.J., and FERNANDEZ and LINDSEY, JJ.

SCALES, C.J.

Appellant Zachary C. Thompson, the plaintiff below, appeals the trial court's August 19, 2026 final order ("Order") entering final judgment for Appellees,<sup>1</sup> the defendants below, on Thompson's August 11, 2026 Emergency Verified Complaint for Declaratory Judgment, Injunctive Relief, and Writ of Mandamus ("Complaint"). Because no preliminary basis for reversal has been demonstrated, we summarily affirm the Order pursuant to Florida Rule of Appellate Procedure 9.315(a).

### **I. Relevant Facts**

Seeking to run for office as a commissioner in North Bay Village (the "Village"), Thompson, approximately one hour before the end of the qualifying period, tendered his \$313 qualifying fee to the Village Clerk. Thompson, though, submitted a bank-issued cashier's check, instead of a check drawn upon Thompson's campaign account, as required by section 99.061(7)(a)1., of the Florida Statutes (2026) (the "Statute"). In pertinent part, the Statute requires that a candidate's qualifying fees must be paid via "[a] properly executed check drawn upon the candidate's campaign account[.]" Id.

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<sup>1</sup> Appellees are: North Bay Village; Alba L. Chang, in her official capacity as North Bay Village Clerk; Jorge Gonzalez; and Alina Garcia, in her official capacity as Miami-Dade County Supervisor of Elections.

After consulting with the Village attorney, the Village Clerk disqualified Thompson as a candidate because the qualifying fee was not paid in the manner required by the Statute. Thompson then filed the Complaint in the Miami-Dade County circuit court seeking an order compelling the Village Clerk to place Thompson on the November 2026 ballot for the Village's municipal election. The trial court conducted expedited proceedings on the Complaint, resulting in the rendition of the challenged Order denying Thompson relief.

## II. **Analysis**<sup>2</sup>

Thompson argues that the Statute governs federal and state elections, but not municipal elections. Thompson further argues that section 100.3605(1) of the Florida Statutes (2026)<sup>3</sup> authorizes municipalities to enact specific provisions that conflict with the Statute, and the Village has done so. Specifically, Thompson posits that because section 5.07 of the Village Charter requires merely that the nonrefundable qualifying fee be deposited

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<sup>2</sup> The purely legal issue before us (as it was in the trial court) is whether the Statute is applicable to the Village's municipal elections. We review pure questions of law *de novo*. See Bank of N.Y. Mellon v. Glenville, 252 So. 3d 1120, 1126 (Fla. 2018).

<sup>3</sup> In relevant part, this statutory provision provides that the Florida Election Code governs municipal elections "in the absence of an applicable special act, charter, or ordinance provision." § 100.3605(1), Fla. Stat. (2026).

with the Village Clerk, section 5.07's silence on the source of such fees supplants the express requirement of the Statute.

But, as the trial court concluded in its detailed Order: (i) the Statute applies "in the absence of an applicable special act, charter, or ordinance provision," § 100.3605(1), Fla. Stat. (2026); and (ii) the Village has enacted no provision that, unlike the Statute, specifically delineates the account from which the qualifying fee must be paid.<sup>4</sup> Similarly, observing that section 5.03 of the Village Charter requires that all Village municipal elections be conducted consistent with the applicable law of Florida, the trial court reasoned that allowing payment of a qualifying fee via a cashier's check would be inconsistent with the Statute. Thus, because the Statute expressly addresses the account upon which a qualifying fee must be drawn, and no Village Charter or ordinance provision concerns that same subject, the trial court found that the Statute applies to the Village's municipal elections. We agree with the trial court.

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<sup>4</sup> In the Order, the trial court explained:

While Charter Section 5.07 identifies the amount – and in fact, changes the amount that needs to be paid from the minimum prescribed by statute – the Charter remains silent as to where the payment must come from (i.e., the method of payment to be used).

### III. Conclusion

The trial court held that, pursuant to the applicable statutes and provisions of the Village Charter, a Village candidate's qualifying fee must be paid by a properly executed check drawn on the candidate's campaign account. On our *de novo* review of the Order, we agree with the trial court's construction of the relevant statutory and Village Charter provisions. Because Thompson has demonstrated no preliminary basis to reverse the Order, see Fla. R. App. P. 9.315(a), we summarily affirm the Order.

Affirmed.