

IN THE CIRCUIT COURT OF THE FIFTEENTH
JUDICIAL CIRCUIT, IN AND FOR PALM BEACH
COUNTY, FLORIDA

Case Number: _____

BRUCE A. GUYTON, a candidate for re-election
to the City of Riviera Beach City Council,
District 1,

Plaintiff,

v.

LYNNE L. HUBBARD a candidate for election to the
City of Riviera Beach City Council, District 1,
SUSAN A. BUCHER, in her Official Capacity as Palm
Beach County Supervisor of Elections, and THE
CANVASSING BOARD OF THE CITY OF
RIVIERA BEACH, FLORIDA, and CLAUDENE L.
ANTHONY, City Clerk for the City of Riviera Beach,

Defendants.

COMPLAINT FOR RELIEF PURSUANT TO FLA. STAT. § 102.168(3)(c)

Plaintiff, Bruce A. Guyton (“Guyton”), pursuant to Fla. Stat. § 102.168(3)(c), hereby sues defendants, Lynne L. Hubbard, a candidate for election to the City of Riviera Beach City Council, District 1 (“Hubbard”), Susan A. Bucher, in her Official Capacity as Palm Beach County Supervisor of Elections (“the SOE”), the Canvassing Board of the City of Riviera Beach, Florida, (“Riviera Beach”), and Claudene L. Anthony, City Clerk for the City of Riviera Beach. In support, Guyton states as follows:

INTRODUCTION

1. Guyton seeks relief pursuant to Fla. Stat. § 102.168(3)(c) regarding the March 29, 2016 Riviera Beach Municipal Election in which he, an incumbent, was competing with Hubbard for the City Council’s District 1 Seat. The result of the March 15, 2016 election was a

runoff election between Guyton and Hubbard, which runoff election took place on March 29, 2016. The result of that runoff election was initially and unofficially declared a victory for Guyton late in the evening on March 29, 2016. On March 30, 2016, additional absentee ballots were found that resulted in an unofficial victory for Hubbard by one vote. On March 31, 2016, during a statutorily mandated recount, the runoff election between Hubbard and Guyton was declared a tie. Guyton has since learned that three absentee voters were registered at Hubbard's home, some or all of whom are relatives of Hubbard and none of them actually live at that home. As a result, the inclusion of votes cast for Hubbard by these individuals who are not qualified to vote for Hubbard in the election changed the result of the election in that Guyton should have won the runoff election on March 29, 2016. Guyton seeks invalidation of these three votes pursuant to Fla. Stat. § 102.168(3)(c).

JURISDICTION, VENUE AND THE PARTIES

2. Jurisdiction and venue are appropriate in this Court because all parties are located in Palm Beach County, Florida and the election in question took place in Palm Beach County, Florida.

3. Guyton qualified as a candidate for re-election to the City of Riviera Beach City Council, District 1. Guyton is also a taxpayer in the City of Riviera Beach and a registered voter in Riviera Beach who was qualified to vote in the March 2016 municipal election in the City of Riviera Beach.

4. Hubbard is a candidate for election to the City of Riviera Beach City Council, District 1 and was Guyton's opponent in the March 2016 municipal election in the City of Riviera Beach.

5. Susan Bucher is the Palm Beach County Supervisor of Elections, who was under contract with the City of Riviera Beach to administer the March 2016 municipal election. Bucher accepted votes in the election and tabulated those results, which acceptance and tabulation of votes resulted in the vote totals at issue in this case. The SOE sent her certification of the vote totals to the Canvassing Board of Riviera Beach to accept or reject those results.

6. The Canvassing Board of the City of Riviera Beach is the entity that oversaw the SOE's tabulation of votes and was responsible for ascertaining the accuracy of those vote totals and certifying the result. The Canvassing Board did so, accepting the SOE's certification of a tie on April 6, 2016. Based on that result, a special election between Guyton and Hubbard has been set for May 17, 2016.

7. Claudene Anthony is the City Clerk of the City of Riviera Beach and is responsible for assisting the Canvassing Board in accepting the SOE's certification of the results of the March 29, 2016 runoff election between Guyton and Hubbard.

COUNT I – ELECTION CONTEST PURSUANT TO FLA. STAT. § 102.168(3)(c)

8. Guyton re-alleges and incorporates the allegations set forth in paragraphs 1 – 7 above as if fully set forth in Count I.

9. There are three individuals, each of whom voted for Hubbard by absentee ballot – Keenoe Lamont Stafanie, Larry Darnell Hubbard and Ulysses Hubbard.

10. Each of these individuals is registered to vote as a full-time resident of Hubbard's home in Riviera Beach, Florida.

11. None of these individuals reside at Hubbard's home in Riviera Beach, Florida and, upon information and belief, some or all of these individuals do not even reside in the City of Riviera Beach, Florida.

12. Thus, any absentee vote cast by these individuals is illegal and should not have been counted. Because the March 29, 2016 runoff election resulted in a tie, if any one of the illegal absentee ballots cast by these individuals was not cast, Guyton would have won that election and a May 17, 2016 runoff election would be unnecessary.

13. The facts set forth above in paragraphs 9 - 12, specifically the tabulation of illegal absentee votes from persons who are not proper absentee voters and are not qualified to vote in the March 2016 municipal election in the City of Riviera Beach constitute a violation of Fla. Stat. § 102.168(3)(c).

14. Because the March 29, 2016 election resulted in a tie between Guyton and Hubbard, properly disqualifying any one of these three votes would change the result of the election.

15. As a direct, natural, proximate, and foreseeable result of the conduct set forth above, Fla. Stat. § 102.168(3)(c) has been violated and Guyton is entitled to relief.

WHEREFORE, Guyton requests that the Court enter judgment in his favor and issue an Order that requires the SOE, the Canvassing Board and the City Clerk to invalidate any absentee votes illegally cast by any of these individuals and, if any vote is invalidated, to declare Guyton the successful candidate in the March 29, 2016 municipal election in the City of Riviera Beach. Guyton further seeks any relief that the Court considers just and appropriate.

Respectfully submitted,

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Dated: _____