

3. Fla. Stat. § 99.0211 was created by Chapter 2026-26 and became effective immediately upon becoming law on April 1, 2026. *See* Ch. 2026-26, § 11 at page 17.

4. The Real Party-In-Interest, James T. Fishback, is a person who has submitted qualification papers under Fla. Stat. § 99.061(7)(a) to the Department of State seeking the Republican nomination for, and election as, Governor of Florida in the 2026 election.

5. Defendant Cord Byrd is the Florida Secretary of State and the head of the Department of State. The Secretary, through the Division of Elections, is the filing officer for candidates for Governor and is the official charged with certifying the names of duly qualified candidates to the supervisors of elections. Fla. Stat. §§ 99.061(1), (6), and (7); *see also* § 99.063 (specific to candidates for governor and lieutenant governor). The Secretary is named in his official capacity.

6. The Secretary's review of qualifying papers, including those of Mr. Fishback, is a ministerial function, and the Secretary may not determine whether the contents of those papers are accurate or whether a candidate is constitutionally eligible. *See* Fla. Stat. § 99.061(7)(c); *Mayfield v. Sec'y, Fla. Dep't of State*, 402 So. 3d 1002 (Fla. 2025).

7. Defendant is subject to the jurisdiction of Leon County in the Second Judicial Circuit.

8. Jurisdiction is proper because Plaintiff seeks declaratory and injunctive relief expressly authorized by Fla. Stat. § 99.0211(2), and this Court has jurisdiction over such actions.

9. Venue is proper in Leon County because Fla. Stat. § 99.0211(2) requires that an action challenging a candidate's compliance with statutory and constitutional requirements be filed "in the circuit court for the county in which the filing officer is headquartered," and the Secretary, as the filing officer for the office of Governor, is headquartered in the City of Tallahassee in Leon County, Florida.

BACKGROUND

10. Mr. Fishback has announced that he intends to seek the Republican nomination for Governor of Florida in the 2026 election. The primary election is scheduled for August 18, 2026, and the general election for November 3, 2026.

11. Mr. Fishback submitted qualification papers under Fla. Stat. § 99.061(7)(a) to the Department of State to qualify as a candidate for Governor of Florida on June 8, 2026 (the “Fishback Papers”). True and correct copies of the Fishback Papers are attached as **Exhibit A** and incorporated herein.

12. The Fishback Papers included the “Candidate Oath” stating under oath or affirmation, inter alia, that Mr. Fishback is qualified “under the Constitution and the Laws of Florida to hold the office to which [he] desire[s] to be nominated or elected.” Ex. A, p. 2.

13. Mr. Fishback swore to and signed the Candidate Oath on June 8, 2026. *Id.*

14. Upon information and belief, the Secretary has qualified Mr. Fishback based on his ministerial review of the Fishback Papers.

APPLICABLE LAW

15. The Florida Constitution provides that, “[w]hen elected, the governor . . . must be an elector not less than thirty years of age **who has resided in the state for the preceding seven years.**” Fla. Const. art. IV, § 5(b) (emphasis added).

16. To “reside” in the state within the meaning of Fla. Const. art. IV, § 5(b) requires domicile—“a fixed abode” the person has “the present intention of making his or her permanent home.” *See Perez v. Marti*, 770 So. 2d 284, 289 (Fla. 3d DCA 2000).

17. The Florida Constitution therefore requires all candidates in the 2026 Florida gubernatorial election to reside in Florida for the seven-year period beginning on November 4, 2019, and ending on November 3, 2026.

18. Furthermore, as part of every candidate’s qualifying papers, they must subscribe to the candidate’s oath required by Fla. Stat. § 99.021, attesting and verifying under oath or affirmation that, among other things, they are qualified under the Constitution and laws of Florida to hold the office sought. *Id.* § 99.021(1)(a)(1).

19. The Secretary, however, does not have the authority to determine whether the contents of a candidate’s qualifying papers are accurate; he plays only a “ministerial function in reviewing qualifying papers” such as the Candidate Oath. *Id.* § 99.061(7)(c). The Secretary determines whether each required item has been “properly filed” and is “complete on its face,” including any necessary verifications. *Id.*

20. Accordingly, the Secretary is required to accept qualifying papers, including the Candidate Oath, even if he believes they are materially false. *Mayfield v. Sec’y, Fla. Dep’t of State*, 402 So. 3d 1002, 1007 (Fla. 2025) (holding the statute “merely authorizes the Secretary to determine if the *form* of the candidate’s oath complies with statutory requirements”). *See also State ex rel. Shevin v. Stone*, 279 So. 2d 17, 22 (Fla. 1972) (“Once the candidate states his compliance, under oath, the Secretary’s ministerial determination of eligibility for the office is at an end.”); *State ex rel. Cherry v. Stone*, 265 So. 2d 56, 58 (Fla. 1st DCA 1972) (“[T]he Secretary of State is without authority to pass judgment on questions de hors the filing instruments concerning the qualifications of candidates.”).

21. The Secretary’s “qualification decisions are explicitly exempt from challenge through typical review processes.” *Torres v. Shaw*, 345 So. 3d 970, 974 (Fla. 1st DCA 2022). State law provides, “The decision of the filing officer concerning whether a candidate is qualified is exempt” from the Florida Administrative Procedures Act. Fla. Stat. § 99.061(11). Within seven days after the qualification period closes, the Secretary of State must certify “the names of all duly qualified candidates for nomination or election” to the supervisors of elections. *Id.* § 99.061(6).

22. The Legislature recently filled this enforcement gap, creating Fla. Stat. § 99.0211, which was effective upon enactment, to provide the express procedure for challenging unqualified candidates. A candidate “must be able to satisfy **all statutory and constitutional requirements** for the office for which he [] is seeking nomination or election.” Fla. Stat. § 99.0211(1) (emphasis added).

23. Another candidate “in the same race” is expressly authorized to “challenge a candidate’s compliance with [Fla. Stat. § 99.0211] (1) by filing an action for declaratory and injunctive relief” *Id.* § 99.0211(2).

24. If this Court determines a candidate will not “satisfy all statutory and constitutional requirements for the office” sought then such candidate “may not be qualified as a candidate for nomination or election, and his [] name may not appear on the ballot” for such office. *Id.* § 99.0211(3).

25. The Legislature also directed that a “candidate . . . bringing an action for declaratory and injunctive relief under [Fla. Stat. § 99.0211] (2) is entitled to an expedited final hearing” and if successful under Fla. Stat. § 99.0211 (3), the Court shall order “the supervisor of elections in each county affected by such candidacy [to] remove the name of the candidate from the ballot or,

if the ballots have already been printed, 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.” *Id.* § 99.0211(4).

26. The Florida Supreme Court has long held that candidacies by ineligible people are “contrary to a sound public policy” because the election would be a “futility, not to say frivolity.” *State ex rel. Fair v. Adams*, 139 So. 2d 879, 883-84 (Fla. 1962). Allowing them to run “would be misleading to the electors and productive of vain effort and fruitless labor, by supporters and campaign workers.” *Id.* at 882. The Legislature has affirmed this and streamlined the process for challenging a candidacy through enactment of Fla. Stat. § 99.0211.

ALLEGATIONS

27. On November 3, 2020, Mr. Fishback registered to vote in Washington, D.C., listing his residence as [REDACTED] and voted as a qualified elector of Washington, D.C. on the same day. Mr. Fishback remains on the active voter roll for Washington, D.C. as recently as June 1, 2026.

28. Mr. Fishback’s Washington, D.C. voter registration record was obtained via public records request on June 22, 2026, and Mr. Fishback’s voter records are contained within the citywide active voter registration list for Washington, D.C. as of June 1, 2026. A true and correct copy of Mr. Fishback’s Washington, D.C. voter registration record and applicable portions of the citywide active voter registration list are attached as **Exhibit B** and incorporated by reference.

29. Qualifications for voter registration in Washington, D.C. are governed by D.C. Chapter 10 of the Code of the District of Columbia, and specifically §§ 1-1001.02(2) and 1-1001.07, which were also in effect and materially identical as of November 3, 2020. To register to vote and cast his ballot on November 3, 2020, Mr. Fishback had to be a “qualified elector” of Washington, D.C. as defined in § 1-1001.02(2), which, among other things, required that he **maintained a residence in D.C. for at least 30 days preceding that election and did not claim voting residence or the right to vote in any state or territory, including Florida.** *Id.* (emphasis added). Additionally, Mr. Fishback was required to execute an application attesting that he met the requirements of a “qualified elector” under § 1-1001.07(2)(A). Moreover, “residence” for purposes of Mr. Fishback’s voter registration in D.C. was specifically defined as the “principal or primary home or place of abode of a person.” *Id.* § 1-1001.02(16)(A). A true and correct copy of the District

of Columbia’s Voter Registration Application is contained in **Exhibit B** and incorporated herein, which includes a declaration requiring the voter to affirmatively attest that they “**do not claim a residence outside the District of Columbia.**”

30. On September 27, 2021, Mr. Fishback purchased a residence located at [REDACTED], in the Glover Park neighborhood adjacent to Georgetown for \$400,000. A true and correct copy of the District of Columbia property records reflecting this purchase is attached as **Exhibit C** and incorporated herein by reference.

31. In connection with that purchase, on or about September 24, 2021, Fishback executed a deed of trust with Rocket Mortgage, LLC. The deed of trust contains a covenant requiring that Fishback “occupy, establish, and use the Property as Borrower’s principal residence” within 60 days after execution and “continue to occupy the Property as Borrower’s principal residence for at least one year after the date of occupancy.” True and correct portions of the deed of trust are contained in **Exhibit C** and incorporated herein by reference. The address Fishback used in executing the deed of trust was his Washington, D.C. address, 4009 Davis Place NW—the same address as his voter registration. *See Exhibits B and C.*

32. Mr. Fishback also received the District of Columbia Homestead Deduction on the [REDACTED] property through at least the 2026 tax year. A real estate property tax bill issued to Fishback on or about February 17, 2026, reflected that he was receiving the Homestead Deduction. A true and correct copy of that property tax bill is attached in **Exhibit D** and incorporated herein by reference.

33. On or about April 23, 2026, the District of Columbia Office of Tax and Revenue issued Mr. Fishback a “Corrected Property Tax Bill” that removed the Homestead Deduction and retroactively reassessed the property at the non-Homestead rate, plus penalties and interest, for all tax years going back to 2023. A true and correct copy of the Corrected Property Tax Bill is also attached in **Exhibit D** and incorporated herein.

34. To receive the Homestead Deduction on a property in the District of Columbia, an owner must submit an application affirming that he or she is domiciled in the District of Columbia and that he or she owns and occupies the residence as his or her principal residence. The application states that, to establish District domicile, “the District must be your permanent home,” and that the applicant “should also file District and Federal income tax returns from this residence.” A true and

correct copy of the Homestead Deduction application and qualifications is attached as **Exhibit E** and incorporated herein.

35. By registering to vote and voting in the District of Columbia, purchasing a home in the District and covenanting to occupy it as his principal residence, and applying for and receiving the District’s Homestead Deduction—which required him to affirm that the District was his permanent home and domicile—Fishback engaged in positive, overt acts establishing his domicile in the District of Columbia, and not in Florida, during a substantial portion of the seven-year period preceding the November 3, 2026 general election.

36. Mr. Fishback does not and cannot satisfy the seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution; therefore, he is not, and will not at the time of election or assumption of office be, constitutionally eligible to serve as Governor of Florida.

37. As explained in ¶¶ 15-17, above, the applicable seven-year residency period required for the 2026 gubernatorial election is November 4, 2019, through November 3, 2026. Mr. Fishback’s registration to vote as a resident of [REDACTED], Washington, DC on November 3, 2020, alone is therefore disqualifying.

38. As part of his qualifying papers, Mr. Fishback subscribed to the Candidate’s Oath required by Fla. Stat. § 99.021, attesting and verifying under oath or affirmation that he, among other things, is qualified under the Constitution and laws of Florida to hold the office of Governor. *Id.* § 99.021(1)(a)(1). Because Mr. Fishback cannot satisfy the durational residency requirement of article IV, section 5(b), he cannot truthfully so attest. *Id.* §§ 92.525(1)(a) (oath or affirmation requirement) and 99.061(7)(a)(2) (requiring submission of the candidate’s oath prior to the end of the qualifying period).

39. As a result, Mr. Fishback submitted a false Candidate Oath and violated Fla. Stat. § 92.525 and is subject to penalties of perjury pursuant to Fla. Stat. § 92.525(3).

40. Despite Mr. Fishback’s constitutional ineligibility and false Candidate Oath, the Secretary accepted the Fishback Papers as qualifying because of his limited ministerial review. This action under Fla. Stat. § 99.0211 provides the mechanism to adjudicate that ineligibility and to remove Fishback from the ballot as required.

41. As a result of the foregoing, Plaintiff requests the following expedited declaratory and injunctive relief from this Honorable Court:

COUNT I—DECLARATORY JUDGMENT; CONSTITUTIONAL ELIGIBILITY

42. Plaintiff incorporates and re-alleges each of the foregoing allegations in ¶¶ 1-41, above, as if fully restated herein.

43. Mr. Fishback’s principal residence and domicile was in Washington, D.C. and not the State of Florida as recently as 2023 during which year Mr. Fishback, even after review and audit, claimed and accepted the District of Columbia Homestead Deduction for the [REDACTED], Washington, D.C. property.

44. In the alternative, Mr. Fishback admitted and affirmatively established his principal residence and place of abode as [REDACTED] Washington, DC, no later than November 3, 2020, which is only six years prior to the 2026 Florida gubernatorial election, when he registered to vote and cast his ballot as a resident of Washington, D.C. in the presidential election.

45. Mr. Fishback is constitutionally ineligible to serve as Governor of Florida because he cannot satisfy the seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution and, contrary to Fla. Stat. § 99.0211(1).

46. Plaintiff thus requests that this Court conduct an expedited final hearing and enter declaratory judgment concluding that, pursuant to Fla. Stat. § 99.0211(3), Mr. Fishback will not, at the time of qualification, election or assumption of office, satisfy the seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution in violation of Fla. Stat. § 99.0211(1).

COUNT II— DECLARATORY JUDGMENT; VIOLATION OF CANDIDATE’S OATH

47. Plaintiff incorporates and re-alleges each of the foregoing allegations in ¶¶ 1-46, above, as if fully restated herein.

48. Mr. Fishback submitted the Candidate’s Oath attesting and verifying under oath or affirmation that he, among other things, is qualified under the Constitution and laws of Florida to hold the office of Governor. *Id.* § 99.021(1)(a)(1). Because Mr. Fishback does not meet the required

seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution, the Candidate's Oath was invalid and false.

49. Plaintiff thus requests that this Court conduct an expedited final hearing and enter a declaratory judgment concluding that, pursuant to Fla. Stat. § 99.0211(3), because Mr. Fishback will not, at the time of qualification, election or assumption of office, satisfy the seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution, his Candidate's Oath is invalid and false in violation of Fla. Stat. §§ 92.525(1)(a) and 99.061(7)(a)(2).

COUNT III— EXPEDITED FINAL HEARING AND INJUNCTIVE RELIEF

50. Plaintiff incorporates and re-alleges each of the foregoing allegations in ¶¶ 1-49, above, as if fully restated herein.

51. Plaintiff requests that this Court immediately conduct an expedited final hearing and provide injunctive relief pursuant to Fla. Stat. § 99.0211, directing that Mr. Fishback not be qualified as a candidate, that his name not appear on the ballot, and that the supervisors of elections in each affected county remove his name or provide the statutory notice that votes for him will not be counted.

52. Mr. Fishback will not, at the time of qualification, election or assumption of office, satisfy the seven-year durational residency requirement of article IV, section 5(b) of the Florida Constitution and his Candidate's Oath is invalid and false in violation of Fla. Stat. §§ 92.525(1)(a) and 99.061(7)(a)(2).

53. There is a substantial likelihood on the merits that Mr. Fishback is constitutionally ineligible and is not a qualified candidate for the office of Governor of Florida.

54. Under the Florida Constitution and Fla. Stat. § 99.0211, a constitutionally ineligible person may not be qualified as a candidate or appear on the ballot; the Secretary's ministerial acceptance of facially complete qualifying papers does not cure that ineligibility.

55. There is a clear threat of irreparable harm if injunctive relief is not granted, because a constitutionally ineligible candidate could be placed on the ballot and elected Governor, requiring an election to be overturned and a new election conducted at great expense to the State of Florida and its electorate, and could result in a constitutionally ineligible person assuming the Office of Governor.

56. The integrity of the electoral process would be greatly hindered if Mr. Fishback, as a constitutionally ineligible candidate, were allowed to appear on the ballot and receive votes for the office of Governor of Florida.

57. There is an absence of other adequate remedies at law, and the Legislature has expressly set forth this action, including expedited final hearing and injunctive relief as the proffered remedy for challenging Mr. Fishback's candidacy.

58. The issuance of the requested injunctive relief serves the public interest because the people of Florida should not elect, and be governed by, a person who is not constitutionally eligible to hold the office of Governor, and post-election litigation would impose substantial burdens on the State and the electorate.

59. Plaintiff respectfully requests that this Court immediately conduct an expedited final hearing and enter injunctive relief under Fla. Stat. § 99.0211, providing that Mr. Fishback may not be qualified as a candidate and that his name may not appear on the ballot for the office of Governor of Florida, or, in the alternative, include the required notices that a vote for Mr. Fishback will not be counted. *Id.* § 99.0211(4).

PRAYER FOR RELIEF

60. Plaintiff incorporates and re-alleges each of the foregoing allegations in ¶¶ 1-59, above, as if fully restated herein.

61. WHEREFORE, Plaintiff respectfully requests that this Court, on an expedited basis pursuant to Fla. Stat. § 99.0211(4):

(a) declare that Fishback is constitutionally ineligible to serve as Governor of Florida and is not a qualified candidate because he cannot satisfy the durational residency requirement of article IV, section 5(b) of the Florida Constitution;

(b) declare that because Mr. Fishback is not constitutionally eligible, he submitted an invalid and false Candidate Oath;

(c) enter an order determining that Fishback will not, at the time of qualification, election, or assumption of office, satisfy all statutory and constitutional requirements for the office of Governor of Florida;

(d) provide that Fishback may not be qualified as a candidate and that his name may not appear on the ballot;

(e) direct the supervisors of elections in each affected county to remove Fishback's name from the ballot or provide the notice required by Fla. Stat. § 99.0211(4); and

(f) grant such other and further relief as the Court deems just and proper.

VERIFICATION PURSUANT TO FLA. STAT. § 92.525

Under penalties of perjury, I, Jarrid "Jay" Collins, declare that I have read the foregoing Verified Complaint Challenging the Candidacy of James T. Fishback pursuant to Fla. Stat. § 99.0211 and that the facts stated in it are true to the best of my knowledge and belief.

Signed and verified this 26th day of June 2026.



Jay Collins (Jun 26, 2026 17:01:26 EDT)

Plaintiff, Jarrid "Jay" Collins

Respectfully submitted this 26th day of June 2026.

**CHALMERS, ADAMS, BACKER &
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FINAL Complaint under Fla. Stat. sec. 99.0211 - Collins v. Byrd (Fishback) 6.26.2026

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