

IN THE SUPREME COURT OF FLORIDA

Case No. SC08-1717

PEDRO DIJOLS, as candidate for the
Broward County Judge Circuit Group 3,

Petitioner,

v.

KURT S. BROWNING, as Secretary
of State, State of Florida, in his official
capacity,

Respondent.

**SUPPLEMENT TO EMERGENCY PETITION
FOR WRIT OF QUO WARRANTO AND
MANDAMUS AND EMERGENCY REQUEST
FOR ORDER DELAYING PRINTING AND
DISTRIBUTION OF ABSENTEE BALLOTS**

Petitioner, PEDRO DIJOLS, as candidate for Broward County Judge Circuit Group 3, files this Supplement to his Emergency Petition for Writ of Quo Warranto and Mandamus and Emergency Request for Order Delaying Printing and Distribution of Absentee Ballots, and states:

Pursuant to state election law, the supervisor of elections must send absentee ballots overseas by Saturday, September 20, 2008. On September 15, 2008, Mary Cooney, a spokesperson for the Supervisor of Elections, Dr. Brenda Snipes, informed the press that they will not wait until the

determination of this action, or the action filed in circuit court pursuant to § 102.168, Fla. Stat., to print the ballots for Broward County. The ballots will therefore be printed with Mardi Levey's name on them.

The printing of the ballots for Broward County with Mardi Levey's name on them renders this action, as well as the election contest action filed in circuit court, futile, and vitiates any effective remedy. The decision by the Supervisor of Elections to print the ballots with Mardi Levey's name on them deprives Petitioner of his statutory right to contest the election results. Such action also makes a mockery of the Florida Election Code and renders the Election Contest Statute useless. There will be irreparable injury to the electorate and election process if the absentee ballots are incorrect. Conversely, there will be no injury to any party or the voters of Broward County if there is a slight delay in the printing and distribution of the absentee ballots so that the issue can be presented and resolved by this Court.

All evidence in support of PEDRO DIJOL's Emergency Petition is stated in public records contained in Petitioner's Appendix. Thus, no evidentiary hearing is necessary. Because of the urgency of this matter and the timeframes involved, Petitioner, PEDRO DIJOLS, respectfully petitions

this Court for an order delaying the printing of the ballots and distribution of the absentee ballots for Broward County until such time as this expedited matter is resolved.

CERTIFICATE OF SERVICE

WE HEREBY CERTIFY that the foregoing was sent to Defendant via federal express on the 15th day of September, 2008.

CERTIFICATE OF TYPE SIZE AND STYLE

The undersigned counsel certifies that the type and style used in this brief is 14 point Times New Roman.

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