UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

CASE NO.: _____

ELIOTT RODRIGUEZ, in his capacity as a candidate for United States Representative, District 27,

Plaintiff,

vs.

ALINA GARCIA, in her official capacity as Supervisor of Elections of Miami-Dade County and as a member of the Miami-Dade County Canvassing Board,

and

MARÍA ELVIRA SALAZAR, solely as an interested-party defendant under Federal Rule of Civil Procedure 19 as a candidate for United States Representative, District 27,

Defendants.
_____/

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COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

Plaintiff, ELIOTT RODRIGUEZ ("Plaintiff"), sues ALINA GARCIA, solely in her official capacity as Supervisor of Elections of Miami-Dade County and as a member of the Miami-Dade County Canvassing Board ("Garcia" or the "Supervisor"), and joins MARÍA ELVIRA SALAZAR ("Congresswoman Salazar"), solely as an

interested-party defendant under Federal Rule of Civil Procedure 19, against whom no claim is asserted and no affirmative relief is sought, and alleges:

NATURE OF THE ACTION

1. This is an action under 42 U.S.C. § 1983 for prospective declaratory and injunctive relief under the Due Process Clause of the Fourteenth Amendment. The relief sought is limited to the Supervisor's own participation as a voting or deciding member of the Miami-Dade County Canvassing Board (the "Canvassing Board") in ballot determinations and recount decisions, including voter-intent determinations, overvote and undervote review, and decisions addressing tabulation-equipment errors and whether recount tabulation may proceed under governing law, in the 2026 general election contest for United States Representative, District 27 ("CD27"), in which Plaintiff is a candidate.

2. The claim rests on two facts, independently and cumulatively: the Supervisor publicly named Plaintiff's opponent the winner before any recount, and the Supervisor's son-in-law represents that opponent in connection with any CD27 recount. The Supervisor's public political advocacy and her response to the recusal demand supply further context for the objective risk of bias alleged here.

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PARTIES

3. Plaintiff, Eliott Rodriguez, is a qualified Democratic Party candidate for United States Representative, District 27, in the 2026 general election. Plaintiff sues individually, in Plaintiff's capacity as a candidate in that election.

4. Defendant, Alina Garcia, is the Supervisor of Elections of Miami-Dade County. Section 102.141(1), Florida Statutes, provides that the county canvassing board "shall be composed of the supervisor of elections; a county court judge, who shall act as chair; and the chair of the board of county commissioners." The Supervisor is sued solely in her official capacity, with respect to her own participation in Canvassing Board determinations. Plaintiff seeks no relief against the Supervisor individually.

5. Defendant, María Elvira Salazar, is Plaintiff's opponent in the CD27 general election. Congresswoman Salazar is joined solely as an interested-party defendant under Federal Rule of Civil Procedure 19, as a candidate in that election. Rule 19(a)(1)(B)(i) applies when a person "claims an interest relating to the subject of the action and is so situated that disposing of the action in the person's absence may: (i) as a practical matter impair or impede the person's ability to protect the interest." As the opposing candidate, Congresswoman Salazar has an interest in who adjudicates contested ballots in her own election, which is the subject of the relief sought against the Supervisor. Joinder affords Congresswoman Salazar notice and an opportunity to be heard. Plaintiff asserts no claim against Congresswoman Salazar and seeks no damages, fees, costs, or affirmative injunctive or declaratory relief against her.

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JURISDICTION AND VENUE

6. Under 28 U.S.C. § 1331, "[t]he district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." Under 28 U.S.C. § 1343(a)(3), the district courts have original jurisdiction of "any civil action authorized by law to be commenced by any person . . . To redress the deprivation, under color of any State law, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United States . . . ." This action arises under 42 U.S.C. § 1983 and the Fourteenth Amendment.

7. Under 28 U.S.C. § 2201(a), "[i]n a case of actual controversy within its jurisdiction," a court of the United States "may declare the rights and other legal relations of any interested party seeking such declaration."

8. Under 28 U.S.C. § 1391(b)(2), a civil action may be brought in "a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred." The Supervisor performs the official functions at issue in Miami-Dade County, where the Canvassing Board meets. Accordingly, venue is proper in this District.

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STANDING

9. The Supreme Court has stated: "Candidates have a concrete and particularized interest in the rules that govern the counting of votes in their elections, regardless whether those rules harm their electoral prospects or increase the cost of their campaigns." *Bost v. Ill. State Bd. of Elections*, 607 U.S. 71, 82 (2026).

10. The injury Plaintiff seeks to prevent is oversight and adjudication, in Plaintiff's own contest, of ballot determinations and recount decisions, including voter-intent determinations, overvote and undervote review, and decisions addressing tabulation-equipment errors and whether recount tabulation may proceed under governing law, by a deciding member whose participation would present a serious, objective risk of bias. That injury does not depend on whether any determination changes the outcome of the CD27 contest.

FACTUAL ALLEGATIONS

A. The Canvassing Board's Ballot and Recount Decisions

11. Section 102.141(1)(b), Florida Statutes, provides: "If the supervisor of elections is unable to serve or is disqualified, the chair of the board of county commissioners must appoint as a substitute member a member of the board of county commissioners", subject to stated conditions. It further provides: "The supervisor, however, shall act in an advisory capacity to the canvassing board." Section 102.141(1)(e)1. provides: "Any alternate may serve in any seat."

12. A provisional ballot is canvassed "unless the canvassing board determines by a preponderance of the evidence that the person was not entitled to vote." § 101.048(2)(a), Fla. Stat. For provisional ballots that require a signature comparison, "any canvassing board finding that signatures do not match must be by majority vote and beyond a reasonable doubt." § 101.048(2)(b)2., Fla. Stat. For vote-by-mail ballots, "any canvassing board finding that an elector's signatures do not match must be by majority vote and beyond a reasonable doubt." § 101.68(2)(c)1., Fla.

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Stat. An elector or candidate present who believes a vote-by-mail ballot is illegal due to a defect apparent on the voter's certificate or cure affidavit may, "at any time before the ballot is removed from the envelope, file with the canvassing board a protest against the canvass of that ballot, specifying the precinct, the voter's certificate or the cure affidavit, and the reason he or she believes the ballot to be illegal." § 101.68(2)(c)4., Fla. Stat.

13. In a manual recount, if a counting team is unable to determine whether a ballot contains a clear indication of the voter's choice, "the ballot shall be presented to the county canvassing board for a determination." § 102.166(5)(c), Fla. Stat.

14. The requested recusal includes the Supervisor's participation in Board determinations of voter intent on ballots rejected or outstacked by tabulating equipment, when presented to the Board under governing law, including whether a CD27 vote is valid or is an overvote or undervote.

15. Each determination described above requires members to weigh evidence or apply a statutory standard and to decide by vote whether a particular contested ballot is counted. The Board's responsibility also reaches equipment errors and continuation of recount tabulation. Section 102.141(7)(a) provides: "If an error is detected, the cause therefor shall be ascertained and corrected and the recount repeated, as necessary." The Recount Procedures Manual directs: "If the test indicates an error, the canvassing board shall first correct the error, retest the equipment pursuant to section 101.5612, F.S., and then proceed with the recount." It also provides: "Any canvassing board determination or decision must be by majority

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vote." Recount Procedures Manual, Form DS-DE 405, §§ 3(d), 3(a)3. (eff. 06/22). Plaintiff seeks recusal from the Supervisor's votes on those equipment-error findings, correction and retesting, and whether CD27 recount tabulation must pause for correction and retesting, may proceed or resume, or must be repeated under governing law.

B. The Published Canvass and Recount Schedule

16. The unofficial results snapshot dated November 5, 2026, at 6:20:19 p.m. reflects 124,511 votes for Salazar and 123,408 votes for Rodriguez, or 50.22% and 49.78%, respectively. **Exhibit 1.** Section 102.141(7), Florida Statutes, provides for a recount when the unofficial returns reflect a defeat "by one-half of a percent or less of the votes cast for such office". These reported figures fall within that numerical threshold; the snapshot is not itself a recount order.

17. The Canvassing Board's published schedule, revised October 28, 2026, sets a meeting on Friday, November 6, 2026, at 10:00 a.m. for the canvass and tabulation of vote-by-mail and provisional ballots, as needed, and unofficial certification. The schedule reserves Saturday, November 7, 2026 through Monday, November 16, 2026 for a recount, as needed. **Exhibit 2.**

C. The Supervisor's Election-Night Statement

18. The Supervisor is known political ally and friend of Congresswoman Salazar. They appear together in the following photograph:

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19. A Miami Herald article by Olivia Lloyd on November 4, 2026, states that on election night, November 3, 2026, the Supervisor said: "María Elvira is the winner, with or without a recount". **Exhibit 3.**

20. The same report states that the Supervisor acknowledged a reversal of that result was "possible but not probable", and it reports the Supervisor's general observation that recounts rarely change outcomes. *Id.*

21. The Supervisor's categorical winner announcement matters because she is the official who would vote on the CD27 ballot and recount determinations described above. Plaintiff alleges that publicly announcing the result before any recount, while acknowledging that reversal remained possible, creates an objective risk of prejudgment by the decisionmaker herself.

D. The Supervisor's Public Political Advocacy and Associations

22. The Supervisor has repeatedly used public communications while in office as Supervisor of Elections to assert her partisan preferences, including praise of President Donald Trump, his administration, and other Republican political figures. Several statements appeared on the official elections-office Instagram account, @votemiamidade, or were jointly published with @alinagarciamiami. A joint office-newsletter post directed readers to both accounts for election information: "Follow us for the latest election news and updates". **Exhibit 4.**

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23. Several representative examples follow. On September 30, 2025, the official elections-office Instagram account published the Supervisor's favorable statement about the Donald J. Trump Presidential Library in downtown Miami. It declared: "We applaud and thank Governor Ron DeSantis, the Florida Cabinet". **Exhibit 5.**

24. On December 2, 2025, a joint post by the Supervisor's personal and official elections-office Instagram accounts praised the land transfer for the Trump presidential library as "a major milestone that now paves the way for the development of the Donald Trump Presidential Library." **Exhibit 6.**

25. In a post dated April 17, the Supervisor's verified Facebook page stated: "Happy Birthday to my former boss and good friend, Congressman Jimmy Patronis, a trusted leader and a dedicated public servant." **Exhibit 7.**

26. In a post dated April 27, the Supervisor's verified Facebook page stated: "Happy Birthday Miami Dade County Republican Chairman Kevin Cooper." **Exhibit 8.**

27. Separately, the Supervisor publicly associated her office with an event led by County Commissioner René Garcia, who had also previously served as chairman of the Miami-Dade Republican Party. In her post dated May 18 about the rededication of Miami-Dade to God event, the Supervisor stated that the Supervisor of Elections' office was represented and described it as occurring "Under the leadership of Sen. Rene Garcia". **Exhibit 9.** That event was organized by René Garcia's county district office. *Id.*

28. In a post dated May 28, the Supervisor's verified Facebook page stated: "Happy Birthday to Secretary of State and my good friend Marco Rubio." **Exhibit 10.** In a post dated June 14, the same page stated: "Happy Birthday, President Donald J. Trump! Many blessings for you on this special day." **Exhibit 11.**

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29. In a post dated July 10, the Supervisor's verified Facebook page stated: "Happiest of Birthdays Senator Rene Garcia. Thank you for serving our community." **Exhibit 12.**

E. The Supervisor's Public Positions on Advocacy and Recusal

30. In an official elections-office Instagram post dated August 14, the Supervisor stated: "As Supervisor of Elections, I do not advocate for or against constitutional amendments or candidates." **Exhibit 13.**

31. WLRN subsequently reported that the Supervisor publicly urged support for Amendment 3, while saying she spoke in her personal capacity. She also said: "I don't personally count all the votes. They're counted by machine." The report also described her reliance on checks and public access. **Exhibit 14.**

32. When Miami-Dade Democrats sought her recusal from the November canvassing board following her Amendment 3 advocacy, the Supervisor declined and assured impartial counting. WLRN quoted her explanation: "Everyone sitting on that canvassing board is gonna have an opinion. I just spoke up about my opinion". **Exhibit 15.** Her personal Instagram account later declared: "I am proud to celebrate the passage of Amendment 3!" **Exhibit 16.**

33. Machine tabulation does not eliminate the Board decisions at issue here. The governing provisions assign the Board ballot, voter-intent, and equipment-error determinations.

34. Plaintiff relies on the Supervisor's public advocacy and recusal responses as context for her categorical CD27 winner announcement and the specific

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family relationship alleged below. The claimed constitutional injury is her participation as a decisionmaker in this contest.

F. The Supervisor's Son-in-Law Represents Plaintiff's Opponent

35. Robert Fernandez ("Fernandez") is the Supervisor's son-in-law. Fernandez represents Congresswoman Salazar in connection with any CD27 recount. Through that representation, Fernandez acts for the candidate whose interests are directly affected by each contested CD27 determination on which the Supervisor would vote.

36. Asked about her son-in-law's involvement with Congresswoman Salazar's counsel, the Supervisor reportedly answered: "I don't know, he could be. He does practice election law." **Exhibit 17.** Her professed uncertainty is not an assurance of independence. Plaintiff alleges that the confirmed representation creates an objective conflict between the Supervisor's duty to decide CD27 matters impartially and her family connection to the lawyer advocating for one candidate.

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G. The Demand for Recusal

37. On November 5, 2026, a letter signed by counsel for Plaintiff's campaign was sent to the General Counsel to the Office of the Supervisor of Elections. The letter demanded that the Supervisor recuse herself from participation as a member of the Canvassing Board in CD27 matters. **Exhibit 18**.

38. CBS News Miami quoted the Supervisor: "I will not recuse myself. There is no conflict." **Exhibit 17.**

COUNT I:

DEPRIVATION OF DUE PROCESS UNDER 42 U.S.C. § 1983 (FOURTEENTH AMENDMENT; PROSPECTIVE RELIEF ONLY; AGAINST GARCIA ONLY)

39. Plaintiff realleges paragraphs 1 through 38.

40. 42 U.S.C. § 1983 provides that every person who acts "under color of any statute, ordinance, regulation, custom, or usage, of any State" and "subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress". The Fourteenth Amendment provides: "nor shall any State deprive any person of life, liberty, or property, without due process of law." The Supervisor sits on the Canvassing Board by operation of section 102.141(1) and acts under color of that statute when she votes on Canvassing Board determinations.

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41. The Eleventh Circuit has stated: "All that is required is that the official be responsible for the challenged action." *Schultz v. Alabama*, 42 F.4th 1298, 1315 (11th Cir. 2022) (quoting *Luckey v. Harris*, 860 F.2d 1012, 1015-16 (11th Cir. 1988)). The Supervisor is responsible for her own vote on each Canvassing Board determination in which she participates and is the official whose own participation Plaintiff asks the Court to restrain.

42. The Supreme Court has stated that "the Due Process Clause has been implemented by objective standards that do not require proof of actual bias."

Caperton v. A.T. Massey Coal Co., 556 U.S. 868, 883 (2009). The Court also stated: "Our decision today addresses an extraordinary situation where the Constitution requires recusal." *Id.* at 887.

43. A federal court in Florida has stated: "The Constitution requires recusal from public officials when there is a serious, objective risk of bias." *League of Women Voters of Fla. v. Scott*, 366 F. Supp. 3d 1311, 1318 (N.D. Fla. 2018) (denying preliminary injunction). The court also quoted the following principle: "The due process clause of the fourteenth amendment prohibits action by state officials which seriously undermine the fundamental fairness of the electoral process." *Id.* at 1315 (quoting *Duncan v. Poythress*, 657 F.2d 691, 700 (5th Cir. 1981)). The court further explained that "the simple fact that constitutionally required recusals have largely been judicial does not limit *Caperton* from applying to non-judicial constitutionally required recusals." *Id.* at 1316 n.6.

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44. The Supervisor's participation as a voting member in the CD27 ballot and recount determinations presents a serious, objective risk of bias. She publicly named the winner before any recount; her son-in-law represents that candidate in connection with any CD27 recount; and she has rejected recusal while professing uncertainty about his involvement. The political advocacy and recusal responses alleged above reinforce Plaintiff's claim of prejudgment in this specific contest. Plaintiff alleges that the election-night announcement and family representation, independently and cumulatively, present the extraordinary situation requiring recusal under the authorities cited above.

45. The Supervisor's participation in those determinations would deprive Plaintiff of the fundamental fairness in the adjudication of contested ballots in Plaintiff's own contest that the Due Process Clause protects. If a tabulation-equipment error arises during a CD27 recount, the threatened injury includes the Supervisor's participation in deciding whether the error has been corrected and the equipment retested so that recount tabulation may proceed, because that decision governs the process by which Plaintiff's votes are counted.

46. Plaintiff seeks a declaration of rights and seeks injunctive relief only to the extent permitted by 42 U.S.C. § 1983.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff, Eliott Rodriguez, requests that the Court enter judgment against the Supervisor, solely in her official capacity, and:

a. declare that the Supervisor's participation as a voting or deciding member of the Canvassing Board in the CD27 contest in the 2026 general election, including but not limited to voter-intent, overvote, undervote, recount, and equipment-error determinations, violates the Due Process Clause of the Fourteenth Amendment;

b. preliminarily and permanently enjoin the Supervisor, to the extent permitted by 42 U.S.C. § 1983, from voting or otherwise acting as a deciding member of the Canvassing Board in the CD27 contest, including but not limited to any determinations regarding recount; determinations of voter intent on rejected or outstacked ballots; whether a CD27 vote is valid or is an overvote or undervote; and

decisions concerning tabulation-equipment errors, required correction and retesting, and whether recount tabulation must pause for that correction and retesting, may proceed or resume, or must be repeated under governing law; and

c. grant such further relief against the Supervisor as is just and consistent with the limitations stated in this Complaint.

Respectfully submitted,

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