

**IN THE CIRCUIT COURT OF THE 17TH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA**

CASE: CACE 22-016854(18)
JUDGE: FABIENNE E. FAHNESTOCK

Marie Murray Martin, Petitioner

v.

Rodney Gabriel Velez
Broward County Public Schools
Broward Supervisor of Elections
Respondents

A MOTION OF SUMMARY JUDGMENT

Petitioner Marie Murray Martin respectfully moves this Court for an entry of an Order granting a summary judgment in favor of the Petitioner. The Respondent Rodney G. Velez voluntarily declined to take the Broward County School Board oath of office on November 22 with other elected board members stating he would be committing an illegal act, Exhibit L. The same day the Respondent said there is time, however pursuant to Florida State Statute 1001.37, the Respondent has 10 days from the notification of election or appointment period to be sworn in, Exhibit M.

Since the Petitioner's November 14 filing with the court, the Respondent has admitted in several public interviews he does not have clemency, Exhibit L. Consequently, pursuant to the Florida Constitution Article VI Section IV, on June 13, 2022 when the Respondent signed and notarized the oath during the qualification period for the Broward School Board District 1 seat he undisputedly was not eligible to run for office.

The Petitioner has a right pursuant to Florida State Statute 102.168 to question the successful candidate's eligibility. The law states, "the unsuccessful candidate may contest the certification of votes" because of the "ineligibility of the successful candidate for the nomination or office in dispute." As a result of the Respondent's undisputable ineligibility, the 30,416 votes certified by county and state election offices should be invalidated and the Respondent Rodney G. Velez should be disqualified.

For the reasons provided in the supporting amended complaint, this motion and exhibits the Petitioner contends that she is entitled to a judgment as a matter of law to her claims. Consequently, the Petitioner respectfully prays that the court grant summary judgment in favor of the Petitioner as the only eligible candidate in the Broward County Broward

School District 1 race and name the Petitioner as the District 1
representative to be sworn into office immediately under the direction of
Broward County Public Schools.

Respectfully Submitted November 28, 2022,



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Petitioner
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