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Judge overturns Eatonville election due to 'illegal' votes

Council member to be 'ousted' from seat after opponent challenged election results

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EATONVILLE, Fla. – More than 19 months after Tarus Mack was certified the winner of an Eatonville Town Council election, a judge has ordered Mack to be removed from his position due to evidence uncovered by his opponent suggesting votes were illegally cast or procured.

"I was very ecstatic," Marlin Daniels said, who learned this week he had prevailed in his lawsuit challenging the election results. "Immediately I said, 'Let's get to work.' We have to fix things that have been going wrong in this historic town and make things right, not for me, but for the people."

Days after a judge ruled Daniels was entitled to the Eatonville Town Council seat, Mack filed a motion asking for a new trial.

Neither Mack nor his attorney responded to phone calls and emails from News 6 seeking comment.

"There were both illegal votes as well as fraudulent votes cast in this election. And for those familiar with local politics, that was not a surprise," said Daniels's attorney,

Christian W. Waugh. “Those votes have now been removed from the tally. And because of that, my client, Marlin Daniels, is now going to be a public servant for the Town of Eatonville.”

In March 2020, Eatonville voters went to the polls to decide whether Mack should retain his seat on the town council.

After the voting results were tallied, it appeared Daniels had defeated the incumbent by a single vote.

But following a recount by the Orange County Canvassing Board, court records show two previously uncounted votes were discovered, giving Mack a 269-to-268 vote victory.

Daniels filed a lawsuit in April 2020 contesting the election. Mack and the Orange County Canvassing Board were named as defendants.

Orange County Circuit Court Judge Kevin Weiss held a non-jury trial earlier this month, where several witnesses were called to testify.

One of them, William Sheketoff, said he had been living in a motel owned by former Eatonville mayor Anthony Grant.

Sheketoff, who was behind on his rent payments and at risk for eviction, claims Grant offered to drive him and another tenant to a polling location on election day and coerced them to vote for Mack, according to an affidavit.

“[Grant] gave both of us ‘sample ballots’ with Tarus Mack and [another candidate] highlighted in yellow stating, ‘This is who I would like you to vote for’ and drove us to Town Hall,” said Sheketoff. “I realized that he expected me to vote for Tarus Mack... or I would be evicted.”

About a week after the election, Sheketoff said Grant locked him out of his room at the motel but did not initiate a formal eviction.

Grant declined to comment on the matter. When asked by a News 6 reporter if he denied Sheketoff’s allegations that he interfered in the election, Grant hung up the phone.

In 2017, a jury convicted Grant of felony voter fraud following allegations that he interfered in a prior Eatonville election. A judge sentenced Grant to probation.

After hearing Sheketoff’s testimony in court, Judge Weiss concluded his vote was illegally procured.

“Debt forgiveness is a major thing of value - as is a place to live - for someone like Sheketoff who has nowhere to go,” Weiss wrote in his ruling. “Sheketoff was a credible witness, and the defendant offered no testimony to rebut his testimony.”

Using voter registration data, which shows which voters participated in an election but not how they voted, Daniels said he was able to identify who cast the two uncounted votes that were later added to the final tally during the recount.

Those two votes were in favor of Mack.

One of those voters voluntarily confirmed he voted for Mack, court records show.

The other, Bobby Taylor, testified in court that he never voted in the 2020 town council election.

“Taylor denied voting. He denied supporting or voting for Mack in the election,” wrote Weiss, who concluded the vote cast under Taylor’s name was illegal. “Thus, the un rebutted and undisputed evidence is that Taylor’s vote should not have been counted because it was not his vote.”

By excluding Sheketoff’s vote and the vote cast under Taylor’s name, Daniels ultimately received one more vote than Mack.

“Daniels is therefore entitled to election to Seat 4 of the Eatonville Town Council,” wrote Judge Weiss. “Mack shall be, and hereby is, ousted from Seat 4 of the Eatonville Town Council.”

Daniels’s attorney said the governor has been asked to make the new election results official.

“Gov. [Ron] DeSantis needs to revoke Mr. Mack’s commission and issue a certification to Mr. Daniels,” said Waugh, who believed that could happen at any time.

A spokesperson for the governor did not immediately respond to questions about the Eatonville election lawsuit.

Two days after Weiss issued his ruling, Mack's attorney filed a motion in court requesting a new trial.

The motion attempts to challenge the judge's ruling that Taylor did not vote in the election.

Two days after the election, Taylor reportedly visited the Orange County Supervisor of Elections office and filed a "vote-by-mail cure affidavit", according to a court filing.

Such affidavits are used by the canvassing board to verify questionable signatures on mail-in ballots.

"The fact that Bobby Taylor appeared in person two days after the election to cure his mail-in vote is proof that Bobby Taylor voted on March 17, 2020," wrote Matthew Leibert, Mack's attorney.

The judge did not immediately rule on Mack's motion seeking a new trial.