IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

ALBERT GORE, Jr., Nominee of the Democratic Party of the United States for President of the United States, and JOSEPH I. LIEBERMAN, Nominee of the Democratic Party of the United States for Vice President of the United States,

Plaintiffs,

v.

CASE NO.: 00-2808

KATHERINE HARRIS, as SECRETARY OF STATE, STATE OF FLORIDA, and SECRETARY OF AGRICULTURE BOB CRAWFORD, SECRETARY OF STATE KATHERINE HARRIS AND L. CLAYTON ROBERTS, DIRECTOR, DIVISION OF ELECTIONS, individually and as members of and as THE FLORIDA ELECTIONS CANVASSING COMMISSION,

and

THE MIAMI-DADE COUNTY CANVASSING BOARD, LAWRENCE D. KING, MYRIAM LEHR and DAVID C. LEAHY as members of and as THE MIAMI-DADE COUNTY CANVASSING BOARD, and DAVID C. LEAHY, individually and as Supervisor of Elections,

and

THE NASSAU COUNTY CANVASSING BOARD, ROBERT E. WILLIAMS, SHIRLEY N. KING, AND DAVID HOWARD (or, in the alternative, MARIANNE P. MARSHALL), as members of and as the NASSAU COUNTY CANVASSING BOARD, and SHIRLEY N. KING, individually and as Supervisor of Elections,

and

THE PALM BEACH COUNTY CANVASSING BOARD, THERESA LEPORE, CHARLES E. BURTON AND CAROL ROBERTS, as members of and as the PALM BEACH COUNTY CANVASSING BOARD, and THERESA LEPORE, individually and as Supervisor of Elections,

and

GEORGE W. BUSH, Nominee of the Republican Party of the United States for President of the United States and RICHARD CHENEY, Nominee of the Republican Party of the United States for Vice President of the United States,

Defendants.

COMPLAINT TO CONTEST ELECTION

1. This is an action to contest the certification that George W. Bush and Richard Cheney received more votes in the Presidential election in the State of Florida than Al Gore and Joe Lieberman. The vote totals reported in the Election Canvassing Commission's certification of November 26, 2000 are wrong. They include illegal votes and do not include legal votes that were improperly rejected. The number of such votes is more than sufficient to place in doubt, indeed to change, the result of the election.

2. The Plaintiffs, Albert Gore, Jr., nominee of the Democratic Party of the United States for President of the United States in the 2000 General Election (Al Gore) and Joseph I. Lieberman nominee of the Democratic Party of the United States for Vice-President of the United

States in the 2000 General Election (Joe Lieberman), contest the November 26, 2000 certification by the Elections Canvassing Commission of the results of the Presidential election and the determination of the winning Presidential Electors in Florida. Al Gore and Joe Lieberman further contest the Secretary of State's certification of the electors for Defendants George W. Bush and Richard Cheney as elected.

3. The Election Canvassing Board certified 2,912,790 votes for George W. Bush and Richard Cheney and 2,912,253 votes for Al Gore and Joe Lieberman, a difference of 537 votes. That difference was entirely the result of:

(a) rejecting the results of the complete manual count in Palm Beach County (which resulted in approximately 215 additional net votes for Gore/Lieberman) and the results of a manual count of approximately 20% of the precincts in Miami-Dade County (which resulted in approximately 160 additional net votes for Gore/Lieberman); and

(b) including changes to the certified results of the Nassau County Canvassing Board which, over the Thanksgiving weekend, changed its previously certified results -- not based on a manual count, but by adding votes in violation of Florida law from earlier tabulations that had previously been rejected by that Board as illegal (which resulted in a total of approximately 50 additional net votes for Bush/Cheney).

(c) not counting approximately 4,000 ballots in Palm Beach County that were marked by the voter with an indentation but which were not (in most cases at least) punctured that the Palm Beach Canvassing Board reviewed but did not count

as a vote for any presidential candidate and which have been contested. If discernable indentations on such ballots were counted as votes, Al Gore and Joe Lieberman would receive more than 800 net additional votes.

(d) not counting approximately 9,000 ballots in Miami-Dade County that have not been recorded as a vote for any presidential candidate and which were never counted manually because the Miami-Dade County Canvassing Board prematurely ceased its manual count with only approximately 20% of the precincts counted. If these approximately 9,000 uncounted ballots result in the same proportional increase in net votes as the ballots that were counted by the Board before it stopped counting, these ballots would result in approximately 600 net additional votes for Gore/Lieberman.

Common Allegations

4. This is an action to contest an election under section 102.168, Florida Statutes (2000).

5. Section 102.1685, Florida Statutes (2000) establishes Leon County as the proper venue for this action.).

6. Section 102.168(8), Florida Statutes (2000) empowers the judge in a contest action to:

> fashion such orders as he or she deems necessary to ensure that each allegation in the complaint is investigated, examined, or checked to prevent or correct any alleged wrong, and to provide any relief appropriate under such circumstances.

7. Plaintiff Al Gore was the nominee of the Democratic Party for President of the United States and Plaintiff Joe Lieberman was the nominee of the Democratic Party for Vice President of

the United States in the year 2000 general election in the State of Florida. They appeared on the ballot in every county in Florida.

8. George W. Bush was the nominee of the Republican Party for President of the United States and Richard Cheney was the nominee of the Republican Party for Vice President of the United States in the year 2000 general election in the State of Florida. They appeared on the ballot in every county in Florida.

9. Section 102.111, Florida Statutes, (2000) creates the Elections Canvassing Commission and charges it with certifying the returns of elections and determining who has been elected for each office. Katherine Harris serves on the Commission by virtue of her position as Secretary of State. L. Clayton Roberts serves on the Commission by virtue of his position as Director of the Division of Elections. Bob Crawford serves on the Commission as a substitute for Governor Jeb Bush, who has declined to serve because his brother is one of the candidates.

10. On November 7, 2000, the State of Florida conducted a general election for the President of the United States. On November 8, 2000, the Division of Elections for the State of Florida reported that George W. Bush and Richard Cheney, the candidates for the Republican Party, received 2,909,135 votes and that Al Gore and Joe Lieberman, the candidates for the Democratic Party, received 2,907,351 votes.

11. The difference of 1,784 votes between the Republican and Democratic candidates triggered the automatic recount provisions of Section 102.141(4), Florida Statutes (2000), (requiring a recount by county canvassing boards if there is a difference of less than .5%). The recount by all county canvassing boards narrowed the difference between Gore/Lieberman and Bush/Cheney to 300 votes.

12. Section 102.151, Florida Statutes (2000) requires county canvassing boards to issue certificates reporting the total number of votes cast for each person elected and transmit it to the Department of State.

13. Section 102.112, Florida Statutes (2000) requires all county canvassing boards to file vote count returns for the election of a federal office with the Department of State.

14. The Florida Supreme Court directed that all amended certifications resulting from manual counts in this election be filed with the Elections Canvassing Commission by 5:00 p.m. on Sunday, November 26, 2000, and that the Elections Canvassing Commission and the Secretary of State must accept those amended certifications. The Court further ordered that the certificates made and signed by the Elections Canvassing Commission pursuant to section 102.121 certify the amended returns, including the results of recounts and hand counts. *Palm Beach County Canvassing Board v. Harris*, Consolidated Case Number SC00-2346, Slip Op. (Fla. Sup. Ct., Nov. 21, 2000).

15. The Florida Supreme Court ordered that all amended certifications be filed by 5:00 p.m., November 26, 2000 in order to permit election contests pursuant to Section 102.168 to be filed and resolved by the December 12, 2000 deadline for the resolution of contests regarding the selection of electors.

16. On November 26, 2000 the Secretary of State certified the results of the November 7, 2000 Presidential Election.

17. On November 26, 2000 the Elections Canvassing Board declared George W. Bush and Richard Cheney as the winners of Florida's electoral votes.

Count I (Miami-Dade County Canvassing Board)

18. Plaintiffs re-allege paragraphs one through 17.

19. Defendants, Lawrence D. King, Myriam Lehr and David C. Leahy, are and were at all relevant times members of the Miami-Dade County Canvassing Board.

20. Defendant, David C. Leahy, is and was at all relevant times Supervisor of Elections for Miami-Dade County.

21. The Miami-Dade County Democratic Executive Committee exercised its right under section 102.166(4), Florida Statutes (2000) to request that ballots be manually counted.

22. The Miami-Dade County Canvassing Board conducted the sample manual count required by section 102.166, Florida Statutes (2000). The Board determined that the sample manual count revealed an error in the vote tabulation that could affect the outcome of the election. The Board thereafter determined, pursuant to section 102.166(5), Florida Statutes (2000) to manually count all ballots.

23. On November 14, 2000, the Miami-Dade County Canvassing Board wrote the Division of Elections asking that votes resulting from manual counts be included in its certified results. On November 15, 2000 the Secretary of State advised that she refused to accept the votes.

24. The Florida Supreme Court issued three orders in Consolidated Case Numbers SC00-2346, SC00-2348 and SC00-2349 determining that the Secretary of State must accept the results of local canvassing board manual counts certified by the boards.

25. On the morning of November 22 the Miami-Dade Canvassing Board decided, in light of the deadline set by the Supreme Court, to manually count approximately 10,750 ballots with respect to which the machines did not record a vote for President. These ballots are known as "uncounted ballots." As of that time, in two full days of work 96,500 ballots from 139 precincts, approximately 20% of the 635 Miami-Dade precincts, had already been counted. These results

confirmed overwhelmingly that the machines which had read the punch cards had failed to count thousands of citizens' votes for presidential candidates.

26. In addition, hundreds of ballots contained a punch at the number immediately below that of the Gore/Lieberman punch hole in a location that could only evince the voter's intent to cast a ballot for the Gore/Lieberman candidacy.

27. The sample manual count conducted by the Miami-Dade Board identified six net additional votes for Gore/Lieberman. Those votes appear to be included in the totals certified by the Elections Canvassing Commission. Failure to include them would be rejection of lawful votes sufficient to change or place in doubt the outcome of the election.

28. Beginning November 22, Republican and other supporters of George Bush launched a campaign of personal attacks upon Canvassing Board members and election personnel. The November 24, 2000 New York Times reported:

> Upstairs in the Clark Center [where votes were being counted], several people were trampled, punched or kicked when protesters tried to rush the doors outside the office of the Miami-Dade supervisor of elections [sic]. Sheriff's deputies restored order. When the ruckus was over, the protesters had what they had wanted: a unanimous vote by the board to call of the hand counting.

29. Some news reports described the protests as a "near riot." The New York Times also reported on November 24, 2000: "One nonpartisan member of the board, David Leahy, the supervisor of elections, said after the vote that the protests were one factor that he had weighed in his decision."

30. Following a lunch break on November 23, and without notice of the intention to consider the issue, the Miami-Dade Canvassing Board announced it would cease all manual counts. The reason asserted for the decision was that it was not possible to complete a full manual count of

all ballots by the 5:00 p.m., Sunday November 26, 2000 deadline for amending certifications. The Canvassing Board also voted to discard the hundreds of additional votes that had already been duly counted up to that moment.

31. Section 102.166(5)(c), Florida Statutes (2000) required the Miami-Dade Canvassing Board to count all ballots in the county, given the results of the counting of the sample precincts. *Miami-Dade County Democratic Party v. Miami-Dade County Canvassing Board*, Slip Op. at 3, Case No. 3D00-3318 (Fla. 3rd DCA, Nov. 22, 2000) at 3. The court held that the Board had a "mandatory obligation" to count manually. *Id.* The Board had no authority to stop the counting until it was completed. Stopping meant that thousands of votes cast for Presidential candidates were not counted.

32. The Miami-Dade results alone show that Al Gore and Joe Lieberman received a number of votes which, when added to the statewide totals previously reported, would be sufficient to change or place in doubt the result of the election.

33. The refusal of the Miami-Dade County Canvassing Board to manually count the uncounted ballots, and the certification of the Elections Canvassing Commission of results that did not include such uncounted ballots, results in the unlawful rejection of legal votes sufficient to change or place in doubt the result of the state-wide election for President.

34. The refusal of the Miami-Dade County Canvassing Board to manually count the uncounted ballots and the certification of the Elections Canvassing Commission of results that did not include such uncounted ballots amounts to misconduct sufficient to change or place in doubt the result of the election.

35. If the uncounted ballots of Miami-Dade County are counted, it will show that a person other than the candidate certified by the Elections Canvassing Commission as the winner of Florida's Presidential election was duly elected.

Count II (Miami-Dade County)

36. Plaintiffs reallege paragraphs 1-17.

37. The partial manual count of ballots conducted by the Miami-Dade County Canvassing Board identified approximately 160 net additional votes for Gore/Lieberman.

38. Failure of the Miami-Dade County Canvassing Board to file amended returns reporting the votes referred to in the immediately preceding paragraph, and the certification by the Elections Canvassing Commission missing such votes, was an unlawful rejection of legal votes sufficient to change or place in doubt the result of the state-wide election.

39. Failure of the Miami-Dade County Canvassing Board to file amended returns reporting the votes for candidates counted in the manual counts, and the certification by the Elections Canvassing Commission missing such votes, is misconduct sufficient to change or place in doubt the result of the election.

Count III (Nassau County)

40. Plaintiffs reallege paragraphs 1-17.

41. Defendants, Robert E. Williams, Shirley N. King, and David Howard were at all relevant times through November 24, 2000, the members of the Nassau County Canvassing Board.

42. Defendant, Shirley N. King, is and was at all relevant times Supervisor of Elections for Nassau County.

43. On the evening of November 7, 2000, the Nassau County Supervisor of Elections informed the Department of State that unofficial returns of the general election for President and Vice President of the United States in Nassau County showed Gore/Lieberman with 6,952 votes and Bush/Cheney with 16,404 votes.

44. On November 8, 2000, the Nassau County Canvassing Board conducted the machine recount of ballots mandated by section 102.141(4), Florida Statutes (2000). The statutorily mandated machine recount produced returns of 6,879 votes for Gore/Lieberman and 16,280 votes for Bush/Cheney, a net gain of 51 votes for Gore/Lieberman.

45. On November 8 or 9, 2000, the Nassau County Canvassing Board certified to the Department of State returns based on the statutorily mandated machine recount, that is, 6,879 votes for Gore/Lieberman and 16,280 votes for Bush/Cheney.

46. On November 24, 2000 Marianne Marshall, a Nassau County Commissioner, served as a substitute Board member in place of David Howard. Marianne Marshall was a candidate with opposition in the November 7, 2000 election.

47. On November 24, 2000, the Nassau County Canvassing Board met without the notice required by section 286.011, Florida Statutes (2000). At that meeting, the Board decided to submit a new certification to the Department of State, reporting the unofficial election night returns (Gore/Lieberman 6,952 votes and Bush/Cheney 16,404 votes) rather than the returns of the statutorily mandated machine recount (6,879 votes for Gore/Lieberman and 16,280 votes for Bush/Cheney). The Board thus changed its certification and certified November 7 results that it had previously certified as incorrect.

48. David Howard, a member of the Board, did not attend the November 24, 2000 meeting. Marianne Marshall did attend it.

49. Section 102141(1), Florida Statutes (2000) sets forth the rules to be followed to select a replacement Board member in the event that a member of the Canvassing Board is unable to serve.

50. Subsections (1)(a), (b), (c), and (d) of Section 102.141, Florida Statutes (2000) all provide that a person who is a candidate who has opposition in the election being canvassed is not eligible to be appointed as a substitute member of the Canvassing Board canvassing that election.

51. The Nassau County Canvassing Board transmitted its new certification to the Department of State on Friday November 24, 2000. This new certification was included in the results certified by the Elections Canvassing Commission.

52. The November 24 certification of the unofficial election night results violated section 102.141(4), Florida Statutes (2000), requiring that a machine recount be conducted where a candidate wins an election by less than 0.5%, and further providing that if there is a discrepancy between the unofficial election night returns and the tabulation undertaken in the statutorily mandated recount, "the tabulation of the ballots cast shall be presumed correct and such votes shall be canvassed accordingly."

53. The refusal of the Nassau County Canvassing Board to certify returns reporting the votes for candidates identified in the required recount, and the certification by the Elections Canvassing Commission omitting such returns, is the acceptance of a number of illegal votes sufficient to change or place in doubt the result of the election.

54. The refusal of the Nassau County Canvassing Board to certify returns reporting the votes for candidates identified in the required recount, and the certification by the Elections

Canvassing Commission omitting such returns, constitutes misconduct sufficient to change or place in doubt the result of the election.

55. The decision of the Nassau County Canvassing Board to refuse to certify returns including the results of the mandatory recount was unlawful and beyond its authority because Marianne Marshall participated in the decision. The result of this unlawful action is that a person other than the successful candidate has been certified as duly elected.

56. The November 24, 2000 meeting of the Nassau County Canvassing Board violated section 286.011, Florida Statutes (2000). Therefore the actions taken at that meeting, including changing the returns certified are null and void. §286.011(1), Fla. Stat. (2000)

Count IV (Rejection of Palm Beach Manual Count).

57. Plaintiffs reallege paragraphs 1-17.

58. On November 7, 2000, approximately 462,644 voters in Palm Beach County voted in an election at which the first office to be voted for on the ballot was for electors of President and Vice President of the United States.

59. On November 12, 2000, Defendant Palm Beach County Canvassing Board (the "Palm Beach Board") voted to conduct a manual count of all ballots cast in Palm Beach County for President and Vice President in the general election held on November 7, 2000. From November 16 to 26, 2000, the Palm Beach Board conducted this manual count of the presidential votes, under section 102.166(5)(c), Florida Statutes (2000).

60. The manual count resulted in a net gain of approximately 215 votes for Al Gore and Joe Lieberman.

61. The Palm Beach Board sought an extension of the 5:00 p.m. November 26, 2000 deadline for reporting the results of its manual count, both by telephone and in writing. The Secretary of State refused to extend the deadline.

62. On November 26, 2000, before 5:00 p.m., the Defendant certified the portion of the results of its manual count that it had completed before 5:00 p.m. to Secretary of State Harris and the Election Canvassing Commission.

63. As of 5:00 p.m. on November 26, the manual count identified approximately 190 net additional votes for Gore/Lieberman.

64. On November 26, 2000, Secretary Harris and the Commission certified the results of the election, but arbitrarily rejected the results of the manual count from Palm Beach County, instead certifying the result of the earlier machine count in Palm Beach County.

65. The Secretary's and Commission's rejection of the Palm Beach County manual count results violates their duty to certify the true results of the election under section 102.111, Florida Statutes, and more specifically violates section 102.131, Florida Statutes, which provides: "The Elections Canvassing Commission in determining the true vote shall not have authority to look beyond the county returns."

66. The Secretary's and Commission's rejection of the Palm Beach County manual recount results also violates the November 21 order of the Florida Supreme Court, which requires the Secretary and the Commission to accept amended certifications reflecting manual count results that it received before 5:00 p.m., November 26.

Count V (Palm Beach Board Failure to Complete Manual Count)

67. Plaintiffs reallege paragraphs 1 to 17 and 58 to 66.

68. Early on November 12, the Palm Beach Board determined under section 102.166(5), Florida Statutes, that a test manual count that it had just completed indicated an error in the vote tabulation which could affect the outcome of the election of presidential electors. The Board determined that the proper remedy was a manual count of all ballots in the county, under section 102.166(5)(c), Florida Statutes.

69. The Board then delayed conducting the manual count for nearly four full days, in part because it relied on an advisory opinion by the Secretary of State that the Florida Supreme Court has decided was unlawful. Consequently, the Palm Beach Board did not complete its manual count before the 5:00 p.m. November 26 deadline established by the Florida Supreme Court.

70. Of the 637 precincts (and groups of absentee ballots) in Palm Beach County, the Palm Beach Board certified to the Secretary of State the results of only 586 before the 5:00 p.m. November 26 deadline. Consequently, the Board failed to certify to the Secretary of State numerous votes cast for presidential electors, because it was unable to complete its manual count before the 5:00 p.m. deadline.

71. At approximately 7:30 p.m. November 24, 2000, the Palm Beach Board completed its manual count. The complete manual count identified approximately 215 net additional votes for Gore/Lieberman. The Elections Canvassing Commission has not included these votes in the certified totals.

72. The Palm Beach Board's failure to complete its manual count before 5:00 p.m. on November 26 violated section 102.166(5)(c), which requires the Board to "[m]anually recount **all**

ballots" (emphasis supplied), once the Board has made a finding that this was the appropriate remedy under the statute.

73. Failure to include the votes identified in the manual count of the Palm Beach Board in the certified results is the rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

74. Failure to include the votes identified in the manul count of the Palm Beach Board in the certified results is misconduct sufficient to change or place in doubt the result of the election.

Count VI (Palm Beach County Intent Standard)

75. Plaintiffs reallege paragraphs 1 to 17, 58 to 66, and 68 to 74.

76. Voters in Palm Beach County voted using Votomatic-style punch cards. Voters using this system vote by first inserting a punch card with perforated rectangles into a plastic marking unit that contains ballot pages. The voter then inserts a metal stylus into a hole in a template that corresponds to the chosen candidate. When the stylus is fully inserted into the hole, it should -- but does not always -- perforate a small square on the punch card ballot known as a "chad," creating a hole in the punch card ballot.

77. In some instances, however, the stylus only partially perforates the punch card or creates an indentation with no perforation at all.

78. The Votomatic-style marking units used in Palm Beach County in this election dramatically increased the number of partially perforated and indented chads in the first column of many punch cards, the column that was used for presidential votes. This problem resulted from equipment difficulties that included an unusually hard plastic backing underlying the punch

card, the accumulation of dislodged chads on this surface, and punch card perforation and misalignment problems. These equipment difficulties interfered with the proper removal of chads when voters inserted the stylus into their punch card ballots.

79. The electronic tabulating equipment that counts punch card ballots operates by shining light through punched holes in the punch card. If a voter does not completely dislodge a chad, the tabulating equipment often does not count a vote that a voter intended to cast. An "undervote" results when the tabulating equipment does not count a voter's choice, thus effectively disfranchising that voter.

80. Voting equipment failures that prevented voters who intended to vote for a presidential candidate from completely punching the first column of their ballots caused a substantial proportion of the undervotes rejected and not counted by the automatic tabulation machines in Palm Beach County.

81. The Palm Beach Board failed to count numerous votes cast for presidential candidates, because it applied a series of incorrect legal standards. The Palm Beach Board's uncompleted manual count resulted in a total of 8,222 uncounted votes. For example, the Palm Beach Board failed to count numerous votes cast by voters whose ballots contained an incompletely punched or indented chad in the first column. These ballots have been segregated and preserved for judicial review.

82. On November 22, 2000, Judge Jorge LaBarga of Palm Beach County Circuit Court entered an Order making clear that the Palm Beach County Canvassing Board could not apply rigid rules that would result in the rejection of validly marked ballots. Judge LaBarga's Order stated that:

> [A]s previously articulated in this Court's order of November 15, 2000, [the canvassing board] cannot have a policy in place of per se exclusion of any ballot; each ballot must be considered in light of the totality of the circumstances. Where the intention of the voter can be fairly and satisfactorily ascertained, that intention should be given effect.

Florida Democratic Party v. Palm Beach County Canvassing Board, CL 00-11078 AB, at 6.

83. Judge LaBarga relied in part upon *Delahunt v. Johnston*, 671 N.E.2d 1241 (Mass. 1996), which held that a "discernible indentation made on or near a chad should be recorded as a vote for the person to whom the chad is assigned."

84. In reviewing the ballots cast in Palm Beach County, the Canvassing Board did not follow the correct legal standard, endorsed by Judge LaBarga, to determine the voter's intent. For example, on information and belief, the Board used a standard that failed to count ballots with indentations or dimples for a presidential candidate unless the ballot also revealed similar indentations, falling short of complete perforations, in other races. Applying this rigid rule did not honor the voters' intent or satisfy the applicable legal standard.

85. Section 101.5614(5), Florida Statutes (2000) governs the counting of Votomatic-style punch card ballots. It provides in relevant part: "No vote shall be declared invalid or void if there is a clear indication of the intent of the voter as determined by the canvassing board." Section 101.5614(6), Florida Statutes (2000) provides: ". . . if it is impossible to determine the elector's choice, the elector's ballot shall not be counted for that office . . . ." (emphasis supplied)

86. Section 102.166(7)(b) of the Florida Statutes requires that the Palm Beach Board review ballots in a manual count to determine the voter's intent. Section 102.166(7)(b) provides:

"If a counting team is unable to determine a voter's intent in casting a ballot, the ballot shall be presented to the county canvassing board for it to determine the voter's intent."

87. The Board's failure to use the correct legal standard for determining voter intent in conducting its manual count has resulted in the rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

88. The Board's failure to use the correct legal standard for determining voter intent in conducting its manual count is misconduct of election officials and members of the canvassing board sufficient to change or place in doubt the result of the election.

Prayer for Relief

WHEREFORE, Plaintiffs pray that the court:

As to Count I (Miami-Dade County Canvassing Board)

A. Order that the Miami-Dade County Canvassing Board and Supervisor of Elections immediately transmit the approximately 10,750 uncounted ballots cast in the year 2000 Presidential election to the Clerk of this Court for safe keeping;

B. Cause the uncounted ballots cast in Miami-Dade County for President and Vice President of the United States to be manually counted by or under the direction of this Court, counting each ballot cast unless it is impossible to determine the intent of the voter, in order to determine the true and accurate returns of the general election for President and Vice President from Miami-Dade County;

C. Order that the Elections Canvassing Commission include in the certified results for Presidential electors all votes counted in the Miami- Dade County election including the results of this court's count.

As to Count II (Miami-Dade County)

A. Order the Elections Canvassing Commission to include in the certified results of the election of Presidential Electors the results of all hand counts conducted by the Miami-Dade County Canvassing Board.

As to Count III (Nassau County Canvassing Board)

A. Order that the Elections Canvassing Commission include in its certification of the results of the election of Presidential Electors 6,879 votes for Gore/Lieberman and 16,289 votes for Bush/Cheney.

As to Count IV, V and VI (Palm Beach County)

A. Order that the Palm Beach County Canvassing Board and Supervisor of Elections immediately transmit the approximately 892 disputed ballots cast in the year 2000 Presidential election, which ballots were segregated at the request of agents for the Democratic Party during the recount of such ballots, to the Clerk of this Court for safe keeping;

B. Cause the approximately 892 disputed ballots cast in Palm Beach County for President and Vice President of the United States to be manually counted by or under the direction of this Court, counting each ballot cast unless it is impossible to determine the intent of the voter, in order to determine the true and accurate returns of the general election for President and Vice President from Palm Beach County;

C. Order that the Elections Canvassing Commission include in the certified results for Presidential electors the results of the court's manual count for Palm Beach County.

As to County VIII (Include All Manual Counts)

A. Order the Elections Canvassing Commission to amend its November 26, 2000 certification of the results of the election of Presidential electors to include the results of all ballots counted in Broward, Miami-Dade, and Palm Beach Counties, by machine or hand, through 7:30 p.m. November 26, 2000 to the extent that they were not included.

Universal Relief

A. Order that the Elections Canvassing Commission amend its November 26, 2000 certification of the votes received by the electors of Al Gore and Joseph Lieberman and George W. Bush and Richard Cheney to report the true and accurate results of the election as determined in this proceeding;

B. Order that Secretary of State Katherine Harris and the Division of Elections are enjoined from declaring the winning presidential electors pursuant to section 103.011, Florida Statutes until this proceeding is completed and all relief ordered has been provided;

C. Order an immediate hearing pursuant to Section 102.168(7) to address the matters raised in this Complaint;

D. Advance this cause upon the court's docket;

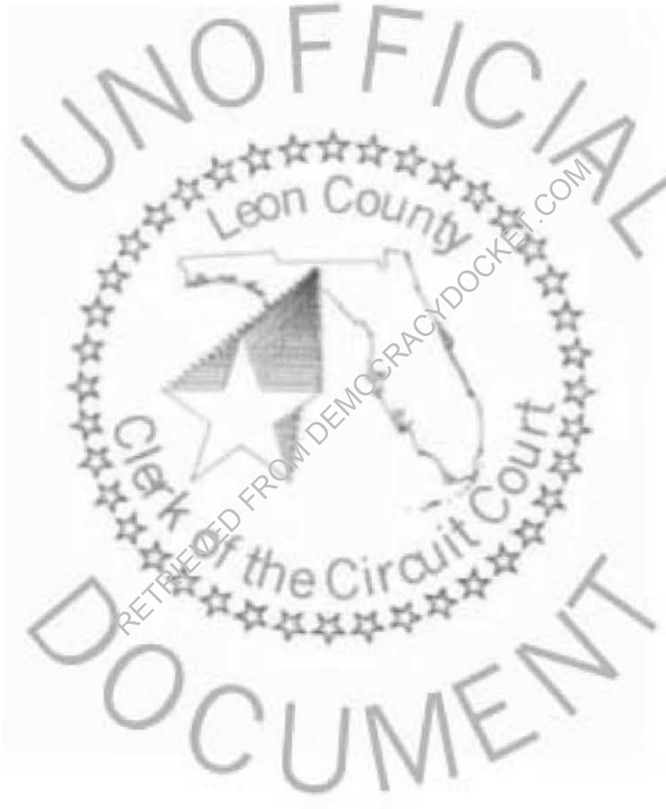
E. Schedule a status conference to establish expedited deadlines and procedures for this proceeding;

F. Order counsel for all parties to make the utmost effort to promptly serve each other with all pleadings and documents, to exchange e-mail addresses, and to serve each other with all pleadings, to the extent possible, by e-mail in addition to the other means of service;

G. Order that the Elections Canvassing Commission certify that the true and accurate results of the 2000 Presidential Election in Florida is that the Electors of Al Gore and Joe Lieberman received the majority of votes cast in the election.

H. Order that the Elections Canvassing Commission, Secretary of State and, the Division of Elections certify as elected the presidential electors of Al Gore and Joe Lieberman.

I. And grant such other relief as the court deems right and just.



CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing has been furnished by United States mail, hand delivery or facsimile transmission this 21 day of November, 2000 to the following:

Barry Richard
Greenberg Traurig
101 East College Avenue
Tallahassee, FL 32301
for Governor Bush

Deborah Kearney, General Counsel
Florida Department of State
400 South Monroe Street, PL 02
Tallahassee, FL 32399
for Secretary Katherine Harris and
the Elections Canvassing Committee

Donna E. Blanton
Steel Hector & Davis
215 South Monroe Street, Suite 601
Tallahassee, FL 32301-1804
for Secretary Katherine Harris and
the Elections Canvassing Committee

Tucker Ronzetti
Assistant County Attorney
111 N.W. 1st Street
Miami, FL 33130
for Miami-Dade Canvassing Board

Ben Ginsburg
State Republican Headquarters
420 West Jefferson Street
Tallahassee, FL 32301
for the Republican Party

Harold McLean, Senior Attorney
Agriculture & Consumer Services
515 Mayo Building
407 South Calhoun Street
Tallahassee, FL 32399

Andrew McMahon
Palm Beach County Attorney Office
301 N Olive Avenue, Suite 601
West Palm Beach, FL 33401-4705

Attorney

IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA
CIVIL DIVISION

ALBERT GORE, Jr., Nominee of the Democratic Party of the United States for President of the United States, and JOSEPH I. LIEBERMAN, Nominee of the Democratic Party of the United States for Vice President of the United States,

Plaintiffs,

v. CASE NO.:

KATHERINE HARRIS, as SECRETARY OF STATE, STATE OF FLORIDA, and SECRETARY OF AGRICULTURE BOB CRAWFORD, SECRETARY OF STATE KATHERINE HARRIS AND L. CLAYTON ROBERTS, DIRECTOR, DIVISION OF ELECTIONS, individually and as members of and as THE FLORIDA ELECTIONS CANVASSING COMMISSION,

and

THE MIAMI-DADE COUNTY CANVASSING BOARD, LAWRENCE D. KING, MYRIAM LEHR and DAVID C. LEAHY as members of and as THE MIAMI-DADE COUNTY CANVASSING BOARD, and DAVID C. LEAHY, individually and as Supervisor of Elections,

and

THE NASSAU COUNTY CANVASSING BOARD, ROBERT E. WILLIAMS, SHIRLEY N. KING, AND DAVID HOWARD (or, in the alternative, MARIANNE P. MARSHALL), as members of and as the NASSAU COUNTY CANVASSING BOARD, and SHIRLEY N. KING, individually and as Supervisor of Elections,

Respectfully submitted this 27th day of November, 2000.

COUNSEL FOR ALBERT GORE, JR. AND JOSEPH I. LIEBERMAN.

John D.C. Newton, II
Florida Bar No. 0244538
Berger Davis and Singerman
215 South Monroe Street, Suite 705
Tallahassee, Florida 32301
Telephone: 850/561-3010
Facsimile: 850/561-3013

W. Dexter Douglass
Florida Bar No. 0020263
Douglass Law Firm
211 East Call Street
Tallahassee, Florida 32302
Telephone: 850/224-6191
Facsimile: 850/224-3644

David Boies
Pro Hac Vice
Boies, Schiller & Flexner LLP
80 Business Park Drive, Suite 110
Armonk, New York 10504
Telephone: 914/273-9800
Facsimile: 914/273-9810

Mitchell W. Berger
Florida Bar No. 311340
Berger Davis & Singerman
350 East Las Olas Bouleveard, Suite 1000
Fort Lauderdale, Florida 33301
Telephone: 954/525-9900
Facsimile: 954/525-2972

Joseph E. Sandler
Pro Hac Vice
Sandler & Reiff, P.C.
6 E Street, S.E.
Washington, D.C. 20003
Telephone: 202/543-7680
Facsimile: 202/543-7686

Jeffrey D. Robinson
Pro Hac Vice
Baach Robinson & Lewis
One Thomas Circle, N.W.
Washington, D.C. 20005
Telephone: 202/833-8900
Facsimile: 202/466-5738