

IN THE CIRCUIT COURT OF THE 15TH
JUDICIAL CIRCUIT, IN AND FOR PALM
BEACH COUNTY, FLORIDA

FLORIDA DEMOCRATIC PARTY,

Plaintiff,

vs.

PALM BEACH COUNTY CANVASSING
BOARD,

Defendant.

FILED

Nov 15 2000
DOROTHY H. WILKEN
CLERK CIRCUIT COURT

12:19 P.M.

DECLARATORY ORDER

The State election statute contemplates that where electronic or electromechanical voting systems are used, no vote is to be declared invalid or void if there is a clear indication of the intent of the voter.

The present policy utilized by the local election officials restricts the canvassing board's ability to determine the intent of the voter.

Therefore, the Palm Beach Canvassing Commission has the discretion to utilize whatever methodology it deems proper to determine the true intention of the voter and it should not be restricted in the task. To that end, the present policy of a per se exclusion of any ballot that does not have a partially punched or hanging chad, is not in compliance with the law.

The Canvassing Board has the discretion to consider those ballots and accept them or reject them.

DONE AND ORDERED in chambers at West Palm Beach, Palm Beach County, Florida,
this 15th day of November, 2000.



GEORGE LABARGA
CIRCUIT COURT JUDGE

Copies furnished in open court.