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Friday

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

IN RE THE PETITION OF

PETER S. ADRIEN &
DAVID WOLIN,

Plaintiffs,

VS.

DEPARTMENT OF ELECTIONS
OF THE STATE OF FLORIDA
& DEPARTMENT OF ELECTIONS
OF PALM BEACH COUNTY, FLORIDA,

Defendants.

GENERAL JURISDICTION DIVISION
CASE NO;

CL00-11146 AD AB

FILED
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CIRCUIT CIVIL 8

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EMERGENCY PETITION FOR INJUNCTION AND FOR SPECIFIC PERFORMANCE

COME NOW the Plaintiffs in proper person and hereby file this
Emergency Petition for Injunction and for Specific Performance and
state as follows:

1. Plaintiffs are residents of the state of Florida and have been residents for the past six months and are registered electors.
2. Defendants are government entities in the State of Florida and are subject to Florida's Jurisdiction.
3. The Defendants are empowered by Florida Statute to conduct and hold general elections in the State of Florida for the office of President of the United States of America.
4. The Defendants held such an election on November 7th, 2000 in the County of Palm Beach and the other counties located in the State of Florida.
5. The ballots utilized by the Defendants were not prepared

pursuant to Florida Law and were illegal, confusing and misleading.¹

6. It was not possible to determine the problem and confusion with the ballots prior to election day.²

7. As a result of the illegal ballots³ and confusion that was created, over 19,000 ballots were invalidated and said electors' right to vote were denied.

8. The use of the Palm Beach County ballot and the voting machine frustrated the will of the people to elect the Democratic

¹ Florida Statute 101.151§(4) "Specifications for General Election Ballot" provides *inter alia* " The names of the candidates of the party which received the highest number of votes for Governor in the last election in which a Governor was elected shall be place first under the heading of each office, together with an appropriate abbreviation of party name; the names of the candidates of the party which received the second highest vote for Governor **shall be second** under the heading of each office, together with an appropriate abbreviation of party name. (Emphasis added).

² When the ballot is placed in the machine, the numbers on the ballot are concealed, therefore, one would not notice the error and/or any misalignment created by the machine when it the ballot is inserted. This combined with the use of a butterfly ballot, which is also contrary to Florida law, creates a confusion that cannot possibly be foreseen.

³ Florida Statute 101.27(3) "The order in which the voting machine ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot for that election." Florida Statute 101.151(3)(a) "Beneath the caption and preceding the names of the candidates shall be the following words: To vote for a candidate whose name is printed on the ballot, place a cross (X) in the blank space at the **RIGHT** of the name of the candidate for whom you desire to vote." This indicates that the candidates names shall be placed to the left of the place where the elector would indicate his preference. The voting machine ballot used in Palm Beach County did not as nearly as practicable conform to the requirements of Florida Statute 101.27(3) and is therefore illegal.

candidate as president.⁴

9. The electors who voted for the first candidate listed on the Palm Beach County ballot did not experience the confusion because they had no reason to go beyond the first candidate and the corresponding first punch-hole. This created an unfair advantage to electors voting for the first candidate and a disadvantage to electors voting for any of the other candidates.

10. As a direct result of the Defendants' actions, Plaintiffs' constitutional right to vote is being directly diluted and thus violated.

11. The spirit of the Florida Constitution provides for all elections to be free and equal for all citizens.

12. All residents in the State of Florida's votes are pooled together to determine which candidate shall receive the entire amount of electoral college votes in the State of Florida.

13. Therefore all citizens' votes in the State of Florida are interrelated and dependent on one another. If any group is not provided the same opportunity, then the end result will be affected.

14. For the right to vote to be of any value, every registered voter needs to be given an equal opportunity to be heard.

15. The resulting effect if this rule of law is not adhered

⁴ It is public knowledge that the majority of Palm Beach County electors are registered democrats and that the majority of the 19,000, ballots that were invalidated are democrat's ballots, who all made the same mistake in punching the chad for wrong candidate and then after realizing their mistake tried to correct the problem.

to is that each individuals vote will be impaired.

16. As a direct result of the Defendants' actions, the effect of Plaintiffs' vote has been severely impaired.

17. The votes that were eliminated had one thing in common, the number 2 and number 3 candidates were both selected.

18. This demonstrates the confusion and also reflects the group that is being affected, of which Plaintiffs are a part. Thus our vote is also affected.

19. If the Court does not enter an Injunction pursuant to Florida Statute 1.610, prohibiting the Defendants from certifying the election in the County of Palm Beach and the State of Florida by 5:00 p.m. on Tuesday, November 14, 2000, Plaintiffs will be irreparably harmed.

20. The injury created to the Plaintiffs is significant especially given the close margin of victory and the Plaintiffs have no other remedy available.

21. Neither party will be detrimentally harmed if the Court grants Plaintiffs request. However, if the Court does not enter the injunction, Plaintiffs' constitutional rights will be violated.

22. The only way to remedy the harm that will be done is to hold a special election and give all of the electors a fair and equal opportunity to vote for a candidate of their choice.

23. Plaintiff does not have sufficient funds to post any bond which may be required and request that same be waived.

WHEREFORE, Plaintiff respectfully request that the Court grant its Emergency Motion and enjoin the Defendants from Certifying the

election and that the Court order a re-vote in the County of Palm Beach.

SWORN to and subscribed before me this 14th day of November, 2000. Maria Yamilet Acosta

[Handwritten signature of Maria Yamilet Acosta]

NOTARY PUBLIC, State of Florida at Large



Maria Yamilet Acosta
MY COMMISSION # CC880312 EXPIRES
October 17, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

PETER S. ADRIEN, ESQ.
7885 NW 191 Street,
Miami, Florida 33015
Ph: 579-5733 ext. 2256

SWORN to and subscribed before me this 14th day of November, 2000. Maria Yamilet Acosta

[Handwritten signature of Maria Yamilet Acosta]

NOTARY PUBLIC, State of Florida at Large



Maria Yamilet Acosta
MY COMMISSION # CC880312 EXPIRES
October 17, 2003
BONDED THRU TROY FAIN INSURANCE, INC.

[Handwritten signature of David J. Wolin]

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