

STEVEN GREEN,

CASE NO: **CL '00 11 290 AB**

shm

Plaintiff,

vs.

THERESA LePORE, SUPERVISOR OF ELECTIONS
FOR PALM BEACH COUNTY, FLORIDA and
KATHERINE HARRIS, SECRETARY OF STATE
FOR THE STATE OF FLORIDA.

Defendants.

FILED
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CIRCUIT CLERK

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COMPLAINT FOR DECLATORY JUDGEMENT

HERE COMES the Plaintiff, by and through undersigned counsel and hereby sues the Defendants, THERESA LePORE, SUPERVISOR OF ELECTIONS FOR PALM BEACH COUNTY, FLORIDA and KATHERINE HARRIS, SECRETARY OF STATE FOR THE STATE OF FLORIDA, and would allege as follows:

GENERAL ALLEGATIONS

1. This is an action for Declaratory Judgment and supplemental relief and is within the jurisdiction of the Circuit Court in and for Palm Beach County, Florida.
2. At all times material hereto, Plaintiff was a resident of Florida, over the age of (18) eighteen years old, and otherwise sui juris.
3. That all times material hereto, Defendant, THERESA LePORE, was the Supervisor of Elections for Palm Beach County, Florida, was a resident of Florida, over the age of (18) eighteen years old, and otherwise sui juris.

4. At all times material hereto Defendant, KATHERINE HARRIS, was the Secretary of State for the State of Florida and the Supervisor of Elections for the State of Florida, was a resident of Florida, over the age of (18) eighteen years old, and otherwise sui juris.
5. That on November 7, 2000 a general election was held in Palm Beach County, Florida, as well as the rest of the United States, to determine, among other elected positions, the 43rd President of the United States.
6. That prior to said election, a sample ballot was mailed to the Plaintiff at his residential address. A copy of said sample ballot is attached hereto as exhibit "A".
7. That on November 7, 2000 the Plaintiff went to his previously designated voting precinct in Palm Beach County, Florida to cast his ballot for local, President and Vice-President elections.
8. That upon arrival at his voting precinct, the Plaintiff signed in on the voting log and was given a blank ballot to go cast his vote for, among others, President and Vice-President of the United States.
9. That upon receiving his ballot card and going to the ballot box to cast his ballot, the Plaintiff was confused in that the ballot did not exactly match the sample he received prior to the election. The sample ballot did not show the holes to punch for the candidates. As such, the Plaintiff was unsure as to how to cast his vote. The ballot was confusing, misleading and ambiguous. The Plaintiff wanted to vote for Al Gore, Jr. for President and, due to the nature of the placement of Al Gore, Jr.'s name on the ballot underneath George W. Bush's, the Plaintiff "punched" the second hole on his ballot. Additionally, the ballot was confusing because it stated "Vote for Group" on

the left side of the ballot. The Plaintiff was unsure as to the meaning of "Group" and was not sure whether he had to punch one hole or two for his President and Vice-President selection.

10. Due to the confusing and misleading nature of the ballot, the Plaintiff is under the very firm belief that he voted for the wrong candidate, to wit: Pat Buchanan of the Reform Party.
11. The Plaintiff maintains that ballot used in the general election in Palm Beach County, Florida on November 7, 2000 was an illegal ballot.
12. Pursuant to Florida Statutes § 101.191 et seq., the general election ballot involving the President and Vice President of the United States is to have the hole to punch for the candidate to the right of his name. The ballot subject to this complaint (a sample copy of the ballot is attached hereto as exhibit "B") was a butterfly ballot and had holes to punch on the right and left of the names of the various Presidential candidates.
13. In addition, Florida Statutes § 101 states that when the Defendant, THERESA LePORE, designed the ballot for Palm Beach County, Florida, she was to place the Democratic candidates for President and Vice President in the second position on the ballot. The justification for this placement was the fact that the Democratic party had the second most votes for Governor in the last Florida election. However, rather than placing the Democratic candidates for President and Vice-President in the second slot, she placed them in the third slot. Pat Buchanan of the Reform Party was in the second position on the ballot. See exhibit "B" attached hereto.
14. Defendant, THERESA LePORE, had no legal authority to deviate from the statutory

requirements under law to change the design and makeup of Palm Beach County's November 7, 2000 general election ballot.

15. Further, as the Supervisor of Elections for the State of Florida, it was the duty of KATHERINE HARRIS to review the ballot for the general election in Palm Beach County, Florida and determine that said ballot complied with all state laws.
16. The Plaintiff further maintains the butterfly ballot used in the November 7, 2000 general election was an illegal ballot as outlined by Florida Statutes ballot form requirements and, as such, the election results for Palm Beach County, Florida for said election should be voided.
17. This Court has the power and authority to power and duty to declare the rights of the Plaintiff and to award any such relief as the Court deems just and appropriate in this most serious challenge of one's right to vote in a fair, proper and legal manner.

WHEREFORE, Plaintiff requests that this Court void the entire election results in Palm Beach County, Florida for the general election held in said county on November 7, 2000, order the Defendants to re-design the official ballot so that it complies with all Florida statutes, and order a re-vote in Palm Beach County, Florida utilizing said new ballot.

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via telefax to: THERESA LefORE, Supervisor of Elections for Palm Beach County, Florida, 301 North Olive Avenue, Room 105, West Palm Beach, Florida, (561) 355-4006 (fax); and KATHERINE HARRIS, Secretary of State for the State of Florida and Supervisor of Elections for the State of

HOFFMAN, CLENDINING & HARDING

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M. Kathleen Clending, Esq.

Florida Bar No:

OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

OFFICIAL BALLOT, GENERAL ELECTION
PALM BEACH COUNTY, FLORIDA
NOVEMBER 7, 2000

"A"

ELECTORS FOR PRESIDENT AND VICE PRESIDENT	(REPUBLICAN)	3
	GEORGE W. BUSH . PRESIDENT DICK CHENEY . VICE PRESIDENT	3
	(DEMOCRATIC)	5
	AL GORE . PRESIDENT JOE LIEBERMAN . VICE PRESIDENT	5
	(LIBERTARIAN)	7
	HARRY BROWNE . PRESIDENT ART OLIVIER . VICE PRESIDENT	7
	(GREEN)	9
	RALPH NADER . PRESIDENT WINONA LADUKE . VICE PRESIDENT	9
	(SOCIALIST WORKERS)	11
	JAMES HARRIS . PRESIDENT MARGARET TROWE . VICE PRESIDENT	11
(NATURAL LAW)	13	
JOHN HAGELIN . PRESIDENT NAT GOLDHABER . VICE PRESIDENT	13	

(REFORM)	4
PAT BUCHANAN . PRESIDENT EZOLA FOSTER . VICE PRESIDENT	4
(SOCIALIST)	6
DAVID McREYNOLDS . PRESIDENT MARY CAL HOLLIS . VICE PRESIDENT	6
(CONSTITUTION)	8
HOWARD PHILLIPS . PRESIDENT J. CURTIS FRAZIER . VICE PRESIDENT	8
(WORKERS WORLD)	10
MONICA MOOREHEAD . PRESIDENT GLORIA La RIVA . VICE PRESIDENT	10
WRITE-IN CANDIDATE To vote for a write-in candidate, follow the directions on the long stub of your ballot card.	

TURN PAGE TO CONTINUE VOTING

B

Palm Beach County Canvassing Board

Source: Palm Beach County Canvassing Board

(REPUBLICAN) GEORGE W. BUSH - PRESIDENT DICK CHENEY - VICE PRESIDENT	3		
(DEMOCRATIC) AL GORE - PRESIDENT JOE LIEBERMAN - VICE PRESIDENT	5		
(LIBERTARIAN) HARRY BROWNE - PRESIDENT ART OLIVER - VICE PRESIDENT	7		
(GREEN) RALPH NADEAU - PRESIDENT WINONA LAJUKE - VICE PRESIDENT	9		
(SOCIALIST WORKERS) JAMES HARRIS - PRESIDENT MARGARET TROWE - VICE PRESIDENT	11		
(NATURAL LAW) JOHN HAGELIN - PRESIDENT	13		
(REFORM) PAT BUCHANAN - PRESIDENT EZOLA FOSTER - VICE PRESIDENT	4		
(SOCIALIST) DAVID McREYNOLDS - PRESIDENT MARY CAL HOLLIS - VICE PRESIDENT	6		
(CONSTITUTION) HOWARD PHILLIPS - PRESIDENT J. CURTIS FRAZIER - VICE PRESIDENT	8		
(WORKERS WORLD) MONICA MOOREHEAD - PRESIDENT GLORIA La RIVA - VICE PRESIDENT	10		

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 To vote for a write-in candidate, follow the directions on the long stub of your ballot card.

STAFF GRAPHIC