

IN THE CIRCUIT COURT IN AND FOR LEON COUNTY, FLORIDA

ANTHONY R. (ANDY) MARTIN,

Plaintiff,

vs.

KATHERINE HARRIS, IN HER
OFFICIAL CAPACITY AS
SECRETARY OF STATE,
Elections Canvassing Commission
Defendants.

No. 00-2746

VERIFIED
COMPLAINT-COUNT ONE

FILED
NOV 17 AM 9:54
DAVELLANIS
CLERK CIRCUIT COURT
LEON COUNTY, FLORIDA

1. Jurisdiction, venue and jury demand

- a. This court has jurisdiction of Count One pursuant to general common law jurisdiction and jurisdiction of Count Two pursuant to 42 USCA § 1983.
- b. Venue is proper in Leon County.
- c. The defendants are sued in their official capacities. No money damages are sought (but restitution is sought). Plaintiff demands a jury trial as to triable issues of fact.

2. Plaintiff's factual claims

- a. Plaintiff was a candidate in the November, 2000 election, for United States Senator.
- b. Plaintiff has been fighting and exposing computer vote fraud in Palm Beach County since 1994 when he was first a candidate whose name appeared on a Palm Beach County ballot.
- c. Palm Beach County computers routinely mistreat voting cards, and appear to be programmed to control votes in a suspicious manner. E.g., in the September, 2000 primary, Sheriff Robert Neuman was losing his primary late in the evening when the computers "went down." When the computers came up, Neuman's loss had turned

into a victory, presto.

d. Plaintiff paid a candidate filing fee to the defendant Harris, to be placed on the ballot, assuming he would obtain a full, fair and complete count of votes cast for him.

e. Plaintiff was stunned to learn the vote fraud in Palm Beach, and other counties, was far worse than he envisioned, and that literally tens of thousands of votes statewide are not counted or miscounted due to "chads" and machine failure to count properly.

f. Defendant Harris and defendant Board have conflicts of interest because they are linked to the George W. Bush campaign.

g. This conflict of interest tainted their impartiality and objectivity, see e.g. Ward v. Monroeville, 409 U.S. 57, 93 S. Ct. 80 (1972), in counting statewide ballots.

h. Although defendants have sought to claim recounts are only available when there is affirmative "vote fraud" or similar circumstances, in fact the State of Florida is engaging in systemic vote fraud as a matter of state policy when (i) machines do not count punch cards/chads completely and correctly and (ii) tens of thousands of cards/ballots are not counted in every election cycle. Thus, instead of isolated "vote fraud," plaintiff unknowingly confronted systemic, organized statewide vote fraud by the very election machinery of the state.

i. Leon County Circuit Judge Jeremy F. Lewis

by order dated November 14, 2000 has allowed plaintiff and others similarly situated up to November 17, 2000 to file actions such as the instant one challenging the vote certifications and vote counting procedures.

j. Until election officials claimed that tens of thousands of votes were not counted, plaintiff believed and believes every voters believed that a full, fair and accurate vote count was an essential prerequisite of an honest election.

k. Defendants Harris and Board have tried to "certify" election results which are undisputably fraudulent, incomplete and fail^{ed} to take reasonable measures to count every vote in a neutral and detached manner, thereby depriving plaintiff of his right as a paying candidate to contest for office on a level playing field.

3. Plaintiff's legal claim

a. The vote counting procedures and attitudes of the defendants violate the Florida Constitution.

b. As essential predicate of an honest election is that every vote for every office be fully, fairly, impartially, and accurately counted.

c. The "certified" results claimed by the defendants for every office on the statewide ballot, from President to U.S. Senator, are fraudulent and incomplete.

d. The defendants should be required to hand count all ballots for all statewide offices in every county, with particular scrutiny given to counties such as Palm Beach which have a history of vote fraud and manipulation.

4. Demand for judgment

a. Plaintiff asks that the statewide voting results be decertified as to all statewide offices; that recounts be conducted of statewide ballots for all offices; and that hand recounts be done as to said recounts.

b. Plaintiff demands a declaratory judgment that that

Florida's and Palm Beach County's current method of conducting elections, where tens of thousands of ballots are not counted, and "chads" of voting cards do not fully detach, violates the due process and equal protection clauses of the Florida Constitution.

c. For such other declaratory and injunctive relief as may be necessary and proper to do complete justice.

d. For an order directing defendants to refund to plaintiff his filing fee, due to the ~~the~~ systemic fraud, corruption and incompetence of the defendants in administering statewide elections.

COUNT TWO

1-2. Plaintiff repeats and realleges paragraphs 1-2 of Count One and further claims:

3. Plaintiff's legal claim

a. The vote counting procedures and attitudes of the defendants violate the First and Fourteenth Amendments to the Constitution of the United States.

b-d. Plaintiff repeats and realleges subparagraphs 3 (b) - 3 (d) of Count One.

4. Demand for judgment

a-d. Plaintiff repeats and realleges the demand for judgment in Count One.

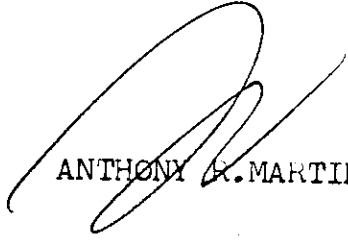
Respectfully submitted,

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Verification

Pursuant to Florida law providing for declarations under penalty of perjury, plaintiff states under penalty of perjury the foregoing complaint is true and correct to the best of his knowledge, information and belief.

Executed: November 16, 2000



ANTHONY R. MARTIN

