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The Florida Constitution requires a jury trial of disputed facts.

e. This case was originally filed before certification. Plaintiff repeats and realleges the claims of his original complaint to avoid any suggestion he has inadvertently dropped any claims.

## 2. Factual claims

a. Plaintiff was a candidate in ~~on~~ the November, 2000 election for United States Senator and has standing to challenge the integrity of the statewide vote counting process.

b. Plaintiff has been fighting and exposing computer vote fraud in Palm Beach County since 1994.

c. Palm Beach County computers routinely mistreat voting cards. This "pattern or policy" creates a basis for federal civil rights intervention by plaintiff. Elections are conducted in a suspicious manner. For example, in the September, 2000 primary, incumbent Robert Neumann was losing when the computers went "down". When the computers <sup>went</sup> "up," Neumann was winning.

d. The basis for seeking to decertify a statewide certification are set by the legislature and case law and are well known: fraud, misconduct, corruption, failure to count votes and voters not allowed to vote. All of these deficiencies were and are present in the 2000 statewide vote.

e. Plaintiff paid a filing fee to defendant Harris assuming that the votes he would receive would be counted. He had a common law right to a full and fair count not only of his votes but votes of competing offices so he could compare the vote totals in his race to other races.

f. Plaintiff was stunned to learn that the vote fraud he had experienced in Palm Beach County--including algorithm fraud--since algorithms which are used to count votes have never been independently tested--~~was~~<sup>was</sup> a statewide phenomenon and hundreds of thousands of statewide votes had not been counted ([e.h. failure to count votes], or [failure to allow voter to vote, since a failure to count amounts to a refusal to allow someone to vote] rendered nugatory through fraud (election maladministration; public "fraud" is not the same as private fraud) and sheer arrogance. Thus, all of the statutory criteria have been~~met~~<sup>met</sup> to call for a full and complete recount for all offices.

g. Plaintiff is a Republican, and tends towards conservatism on most issues, but "liberal" positions on others (defending the Constitution from ~~the~~ Republican attacks). But he is not acting out of partisanship but rather citizenship, because as a citizen of this great state, whose love for the state is enshrined in the monuments to his original efforts at campaign advocacy, he does not want Florida to be recorded through the ages as a place where the Presidency of the United States was stolen. The way to avoid ignominy is simple: count the votes, all the votes, and count them properly, in public, in front of all interested parties or their representatives. To do otherwise is to ~~the~~ consign future generations to the stain and shame of electoral fraud. Due respect for posterity is not a partisan issue. To paraphrase Lincoln, the world will soon forget who won, but it will never forget the corrupt tactics by which Florida's votes were delivered to one candidate or the other.

h. Defendants Harris and Commission are tainted by links to candidate Bush, although other persons might be equally tainted by ties to Gore. Plaintiff is not tainted by ties to either.

i. The defendants' conflicts of interest, and their open mendacity such as that of Commissioner Crawford, who slithers between the parties depending on the emollients in his palm, disqualify the board as a matter of the U.S. Constitution, Ward v. Monroeville, 409 U.S. 57, 93 S. Ct. 80 (1972); In Re Murchison, 349 U.S. 133, 75 S. Ct. 623 (1955).

j. Although defendants have sought to suggest that Florida does not engage in "affirmative" vote fraud such as proscribed by statute, that is a distinction without a difference when the entire system is programmed to accept an unacceptable level of error, all of which amounts at a minimum to de jure fraud, not just de facto fraud. Does anyone doubt that if the defendants had announced in advance that hundreds of <sup>thousands of</sup> votes would be thrown out, or ignored, or uncounted, or improperly allowed to be cast, such as absentee ballots in Seminole and Martin Counties, there would have been a massive public outcry? Obviously. U.S. Marshals would have been sent. But because defendants did not announce their stupidity and incompetence and maladministration in advance, they seek to profit from their own incompetence, and the incompetence of local election offices. It is a cardinal principle of the law that parties may not profit, directly or indirectly, personally or politically, from their own corruption, incompetence and maladministration.

k. Every voter and every candidate is entitled, and has a state and federal constitutional right to a full, fair and accurate count of all votes. Defendants have sought to deprive plaintiff, a candidate, and every Floridian of this fundamental constitutional right.

3. Legal claim

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

b. A<sup>n</sup> essential predicate of an honest election is that every vote for every office is fully, fairly, carefully~~x~~, impartially and accurately counted.

c. The "certified" results certified by the defendants are a sham and fraud on every citizen of Florida and manifest special damages to plaintiff, a fee-paying candidate whose votes have not been counted.

d. The defendants should be required to hand count every ballot across the state for all statewide offices (we will have to abandon the miscounted votes for local offices in this cycle).

4. Demand for judgment

a. Plaintiff asks that the statewide votes certified by the defendants be suspended, stayed and rendered null and void, because it is obvious that the miscounted votes far exceeded the margin of victory for some statewide offices. Hand recounts should be done. We have had enough of mindless machines and suspect computer programs.

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o. Even if the court is not prepared to order a statewide recount, plaintiff is entitled to a partial remedy/that the statewide votes were not accurately counted and the totals are preliminary, not accurate. The court should at least declare the truth, even if it is not prepared to seek it.

c. Plaintiff seeks any and all additional declaratory and injunctive relief to which he may be entitled, to do complete justice.

d. Plaintiff asks the court to order the defendants to refund his filing fee, as they obviously failed to count his votes fully and accurately and rendered the service he paid for nugatory and illusory.

COUNT TWO

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

3. Legal claim

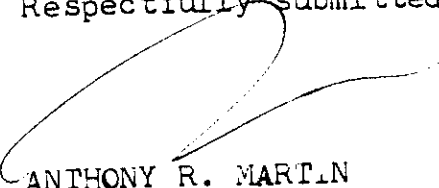
a. The vote counting procedures and attitudes of the defendants violate the First and Fourteenth Amendments to the Constitution of the United States.

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

4. Demand for judgment

Plaintiff demands the same relief as in Count One.

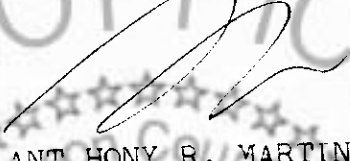
Respectfully submitted,

  
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VERIFICATION

Pursuant to Florida law and under penalty of perjury I verify the foregoing amended complaint is true and correct to the best of my personal knowledge, where stated, and information and belief, where indicated. Executed: December 7, 2000.

  
ANTHONY R. MARTIN

