

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

RONALD E. LICHTMAN, MICHELLE ANN  
RIVERA, and CARLA A. IRONS-COGLE,  
PLAINTIFFS,

CL '0011098 AH *AO*

v.

Case No.

JEB BUSH (Governor of the State of Florida),  
KATHERINE HARRIS (Florida Secretary of State),  
CLAYTON ROBERTS (Florida Director of the Div. of Elections)  
BOB CRAWFORD (Florida Commissioner of Agriculture),  
collectively, in their official capacity as the  
Florida "Elections Canvassing Commission", and  
KATHERINE HARRIS, as Florida Secretary of State,  
and

THERESA LePORE, CHARLES E. BURTON and  
CAROL ROBERTS, collectively, in their official  
capacity as the Canvassing Board of  
Palm Beach County, Florida, and THERESA LePORE  
as Supervisor of Elections of Palm Beach County,  
Florida, and

GEORGE W. BUSH, candidate for the office of  
President of the United States of America, and  
DICK CHENEY, candidate for the office of  
Vice President of the United States of America,  
DEFENDANTS.

VERIFIED COMPLAINT FOR "CONTEST OF ELECTION"

AND FOR DECLARATORY RELIEF

AND FOR TEMPORARY AND PERMANENT INJUNCTIVE RELIEF

Come now the Plaintiffs, Ronald E. Lichtman, Michelle Ann Rivera, and Carla  
A. Irons-Cogle, each of whom is a Palm Beach County elector qualified to vote in the  
November 7, 2000, election for President of the United States of America in Palm

Beach County, Florida, and they bring this action against the Defendants, Jeb Bush, Governor of the State of Florida, Katherine Harris, Florida Secretary of State, CLAYTON ROBERTS, the Florida Director of the Division of Elections, and Bob Crawford, Florida Secretary of Agriculture, collectively, as the Florida "Elections Canvassing Commission"; KATHERINE HARRIS, as the Florida Sec. of State; and Theresa LePore, Charles E. Burton and Carol Roberts, collectively, as the "County Canvassing Board" of Palm Beach County, Florida; THERESA LePORE, as the Supervisor of the Elections of the Palm Beach County; and GEORGE W. BUSH, candidate for the office of President of the United States of America, and Dick Cheney, candidate for the office of Vice President of the United States of America, and state as follows:

COUNT ONE

1. This is a Complaint brought by these plaintiffs, by and through their undersigned counsel, pursuant to Florida Statute 102.168, "Contest of Election", which provides that "the certification of election or nomination of any person to office... may be contested in the circuit court... by any elector qualified to vote in the election related to such candidacy, or by any taxpayer."

2. Pursuant to Florida Statute 102.168 (3), in part, "The grounds for contesting an election under this section are:

(a) Misconduct, fraud, or corruption on the part of any election official or any member of the canvassing board sufficient to change or place in doubt the result of the election.

(c) Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.

(e) Any other cause or allegation which, if

sustained, would show that a person other than the successful candidate was the person duly nominated or elected to the office in question.

3. Florida Statute 102.168 (4) states that, "the canvassing board or election board shall be the proper party defendant, and the successful candidate shall be an indispensable party to any action brought to contest the election or nomination of a candidate".

4. The plaintiff, Ronald E. Lichtman, is sui juris, and is, and at all times material hereto was, a citizen of the United States of America and a legal resident and taxpayer of Palm Beach County, Florida, and was an elector qualified to vote, and who did vote, in the November 7, 2000, election in Palm Beach County, Florida, to determine the next President and Vice President of the United States of America.

5. The plaintiff, Michelle Ann Rivera, is sui juris, and is, and at all times material hereto was, a citizen of the United States of America and a legal resident and taxpayer of Palm Beach County, Florida, and was an elector qualified to vote, and who did vote, in the November 7, 2000, election in Palm Beach County, Florida, to determine the next President and Vice President of the United States of America.

6. The plaintiff, Carla Aretha Irons-Cogle, is sui juris, and is, and at all times material hereto was, a citizen of the United States of America and a legal resident and taxpayer of Palm Beach County, Florida, and was an elector qualified to vote, and who did vote, in the November 7, 2000, election in Palm Beach County, Florida, to determine the next President and Vice President of the United States of America.

7. Defendant, "County Canvassing Board" of Palm Beach County, Florida is comprised of Theresa LePore, Charles E. Burton and Carol Roberts. Defendant Florida Election Canvassing Commission is comprised of JEB BUSH (Governor of the State of Florida), KATHERINE HARRIS (Florida Secretary of State), CLAYTON ROBERTS

(Florida Director of the Div. of Elections) BOB CRAWFORD (Florida Commissioner of Agriculture), who is believed to be a member by special appointment. Defendant, KATHERINE HARRIS, is the Florida Secretary of State.

8. Theresa LePore is, and at all times material hereto was, the Supervisor of Elections for Palm Beach County, Florida.

9. George W. Bush is the successful candidate of the general election held in Palm Beach County, Florida, on November 7, 2000, for the office of President of United States of America.

10. Dick Cheney is the successful candidate of the general election held in Palm Beach County, Florida, on November 7, 2000, for the office of Vice President of the United States of America.

11. George W. Bush and Dick Cheney have recently filed an action in the United States District Court for the Southern District of Florida, styled *Seigel v. LePore*, case number 00-9009, of which pertinent sections thereof are attached hereto as composite exhibit A, consisting of five pages. In that case they declare themselves to be the winners of the Florida popular vote for the election of President and Vice President of the United States of America, respectively, and demand that the federal court order the State of Florida to certify them as such. (The federal court has denied this action).

12. On November 7, 2000, a regular general election was conducted in Palm Beach County, Florida, and throughout the United States of America, one purpose of which was to elect the next President and Vice President of the United States of America.

13. No winner of the national election has been established due to the extraordinarily close popular vote received in Florida by the two principal candidates

for the office of President of the United States of America, and their vice presidential running mates.

14. Out of approximately 6,000,000 votes cast in the State of Florida in the election for the next President of United States of America, the total difference in the number of votes cast for the Al Gore/Joe Lieberman ticket and the George W. Bush/Dick Cheney for Vice President) is less than 300 votes. This is a difference of only .00005%, or 1/20,000th, of the total votes cast for President in Florida.

15. The results of the national election for the offices of President and Vice President no candidate with sufficient electoral college votes to be declared the winner of the national election. This has left these candidates in the position that the ultimate winner of the Florida popular vote be awarded Florida's 25 electoral college votes and will therefore become the next President and Vice President of the United a States of America.

16. The tabulation of the Florida popular vote has been substantially determined and it is now conclusive that the winner of the Florida popular vote will be determined by the final results of the vote of the electors of Palm Beach County, Florida.

17. Therefore, at issue in this proceeding is the control of the executive branch of the United States government for the next four years, numerous federal judicial appointments, as well as appointments by the next President to the Supreme Court of the United States, which will affect the lives of every American for decades, and centuries, to come.

18. The most basic, cherished and fundamental of the rights established by the Constitution of the United States of America, and the Constitution of the State of Florida, is the right of citizens to elect their leaders and representatives. Unless consented to by the people, any election which results in the victory of a person other than the person who received the largest share of the people's vote is a fraud and a sham. Such a result is intolerable to a free people. Such a result is incompatible with any notion of democracy.

19. The largest share of the votes of the electors of the State of Florida, in the general election to determine the next President and Vice President of the United States of America, which occurred on November 7, 2000, was for Al Gore and Joe Lieberman, respectively.

20. The plaintiffs allege that Al Gore and Joe Lieberman received more votes than George W. Bush and Dick Cheney in the November 7, 2000, State of Florida general election to determine the next President and Vice President of the United States of America. Any tabulation of the Florida vote which results in the conclusion that the largest share of the those votes went to George W. Bush and Dick Cheney results solely from the fact that the tabulation of the votes of the electors of Palm Beach County, Florida, failed to credit Al Gore and Joe Lieberman with thousands of votes which they received from the voters of Palm Beach County, Florida. These thousands of votes would have given Al Gore and Joe Lieberman such a conclusive and inalterable margin of victory that regardless of any change in the official Florida vote tally due to any other Florida county vote recounts, as well as from any additional votes which remain to be tabulated from the limited number of uncounted Florida absentee ballots, Al Gore and Joe Lieberman would still have the largest share of the votes cast by the electors of the State of Florida, and would therefore obtain

the 25 State of Florida electoral college votes, and would therefore become the next President and Vice President of the United States of America.

21. Plaintiffs, on behalf of themselves and thousands of other Palm Beach County electors so similarly situated who contend that Al Gore and Joe Lieberman of the would there's of the Florida popular vote, allege misconduct by the Palm Beach County Supervisor of Elections sufficient to change or place in doubt the result of the election for the offices of President and Vice President of the United States of America which took place in Palm Beach County, on November 7, 2000.

22. The Palm Beach County Supervisor of Elections is the chief authority responsible for the conduct of all elections, as well as for the preparation of all ballots used in those elections, in Palm Beach County, Florida. Ballots are the sole means by which an elector evidences his or her vote for a particular candidate for elected office. All results of all elections are determined by the ballots executed by the electors. Therefore, the clarity of ballots is among the most important, if not in the most important, responsibility of the Supervisor of Elections. The Supervisor of Elections bears the sacred responsibility of ensuring that the electorate is provided ballots from which they can exercise their votes intelligently and from which those votes can be accurately determined.

23. The misconduct of the Supervisor of Elections includes, but is not limited to, the following:

(A)(i). *Utilizing a voting system which she knew caused the intended votes of thousands of Palm Beach County electors not to be counted in past elections and would result in thousands of intended votes not being counted in this election.*

(ii). This voting system required that in order for a vote to be counted by an automated vote counting system, a small square piece of paper, commonly known as a "chad", had to be removed from a ballot card by using a "marking device", commonly a small,

thin, pointed metal rod, (see section 101.5603, Florida Statutes) which the voter must use to insert through a hole identified on the ballot as being the place for selecting a particular candidate.

(iii). When the defendant, Supervisor of Elections, utilized an identical, or a substantially similar, voting system in immediate past elections in Palm Beach County, Florida, it resulted in the votes of thousands of electors, who had intended to cast a vote, not being counted. "Chads" on those ballots had either not been detached at all, or had been only partially detached from the ballot. This resulted in the intended vote associated with that "chad" not being recognized and counted by the automated system, or in being discarded by the election officials as being inconclusive of the voter's intended choice.

(iv). Further, the Supervisor of Elections knew that the system was defective because scores of ballots in those immediate past elections even though those ballots revealed what is known as a "dimple" on a "chad". Such a dimple is an indentation left on that chad by the marking device and is a positive indication that a voter had intended to cast a vote for the candidate represented by the removal of that chad on the ballot card. The Supervisor of Elections had actual knowledge that these defects in the voting system resulted in thousands of intended votes not being counted in the past elections and knew that such non-counting of thousands of intended votes would occur in the November 7, 2000 election if the same or similar voting system was used in Palm Beach County.

(v). The Supervisor of Elections had ample opportunity in the years before the subject November 7, 2000 election to have corrected these defects, or to have instituted a new voting system in which such non-counting of thousands of intended votes due to these defects would not occur. There are, and at all times material hereto were, voting systems in use by state and local governments all over the United States of America in which these defects are not found, and the use of which does not result in the non-counting of thousands of intended votes. Such systems all are readily available and could have been in place and operational for the November 7, 2000 general election in Palm Beach County, Florida.



(B)(i). Although the Supervisor of Elections had actual knowledge of the circumstances described in "A" above, she failed to take necessary, reasonable and simple steps to inform the electorate of these problems so that the individual electors could have simply inspected their ballots after voting to ensure that all necessary chads had been entirely removed, and that no chads remained partially attached. The electorate could have and should have simply been informed of the necessity to firmly press through the ballot with the voting device to ensure that all appropriate chads had been completely removed. The Supervisor of Elections absolutely knew that a substantial portion of the of the Palm Beach County electorate are elderly and such voters might have been unaware of the amount of force necessary to fully remove a chad, or were simply physically unable to utilize the voting device to fully punch through the hole on the ballot so as to fully and completely remove the chad.

(i). This is the logical conclusion to be drawn from the fact that in past elections hundreds of ballots were returned with unremoved chads or chads bearing "dimples" indicating that an attempt had been made by the voter to remove that chad. The voters who returned such ballots were simply either unaware of the force required to remove a chad and therefore did not supply the pressure required to remove a chad completely, or, the voter was simply physically unable to apply the pressure required to remove the chad completely.

(ii) Because of the frailty or natural physical limitations, of these citizens, they were shamefully and illegally denied their constitutional right to vote and participate in the selection of their elected representatives. The Supervisor of Elections had actual knowledge of these circumstances and took no steps, or failed to take reasonable and sufficient steps, to prevent this situation from occurring in the election of November 7, 2000.

(iii) The simple steps which could have been taken, and should have been taken given the fact that this problem was known to the Supervisor of Elections, which could have and would have avoided thousands of voters from having their votes discarded and not counted, include, but are not limited to: inclusion of a description of the chad removal problem in the sample ballots which were sent to Palm Beach County residents along with simple instructions on how to avoid such a problem; the placement of advertisements in

Palm Beach County newspaper publications describing the chad problem and providing simple instructions on how the problem could be avoided; television advertisements describing the chad problems and providing simple instructions on how the problem could be avoided; placement of numerous and conspicuous signs in the polling places as well as directly in the voting booths or voting vestibules themselves advising voters of the chad problem and providing them with simple instructions on how the problem could be avoided; advising the official polling place workers and volunteers of the chad problem so that they could pass such information along to the voters with instructions on how the problem could be averted; instructing the official polling place workers and volunteers to make a visual inspection of the completed ballots to ensure that no chads remained partially attached to the ballot; placing printed instructions on the envelope in which the every ballot is located when it is received by the voter alerting the voter to the chad problem and providing simple information to the voter on how to avoid the partially attached, or "dimple" chad problem.

(iv). Florida law requires that special accommodations be made for elderly and physically handicapped persons in polling places. See, Florida Statute of 101.715. Certainly, if the law requires special consideration and accommodation for elderly persons to be able to merely enter a polling place, such persons must also be given special considerations and accommodations to accomplish the very act which they came to the polling place for to begin with, casting their votes and having their votes count.

(C)(i). The Supervisor of Elections failed to make any reasonable attempt to have the manufacturer of the chad containing ballot cards alter the process by which the card is manufactured in order to eliminate the problem caused by the chads failing to be fully and completely removed during the voting process. Or, in the alternative, the Supervisor of Elections failed to locate and employ another manufacturer who could have manufactured the ballot cards so that the chad problem would be eliminated. The subject ballots cards could have been timely manufactured to eliminate the known chad problem by the same manufacturer without any significant change in the voting process or expense to Palm Beach County. Or, in the alternative, another manufacturer could have been located who could have timely supplied the subject ballot cards without the known chad problem at no significant cost

increase to Palm Beach County.

- (D)(i). The Supervisor of Elections of Palm Beach County, Florida, for the general election of November 7, 2000, determined to supply the electorate with a type of ballot known as a "butterfly" ballot. This is a ballot which is in a book form. When an elector determines the candidate he or she wishes to vote for, the elector is directed to use a voting device (as described above) to punch through a hole located along the center, or spine, of the ballot, which hole is coordinated with that candidate.
- (ii). On the facing pages of this ballot, for all issues and voting decisions but one, only the left page contained voting choices. The right facing page was blank. On each left page the voters choices for that particular issue or candidate race were listed one under the other. For each potential choice a punch hole was located to the right of such choice.
- (ii). The punch holes, on all pages but one, were arranged in uniform descending order directly corresponding with the uniform descending names or issues appearing on the left page of the ballot. Therefore, if the candidate or issue which the voter intended to select was the third name down from the top of the page, the hole to be punched in order to select that candidate or issue was the third hole down from the top of the page. Likewise, if the candidate or issue were the fourth or fifth choice from the top of the page, the hole to punch to select such candidate or issue would be the fourth or fifth hole from the top of the page, respectively. (A copy of this ballot is attached here to as exhibit B).
- (iii). This arrangement was used on every page of the ten page ballot but one. It was used for every issue contained in the thirteen issue ballot but one.
- (iv). The sole, and misleading, divergence in this ballot arrangement were the pages which would determine the election the next President and Vice President of the United States of America.
- (iv). Only for that vote did the choices appear on the right page as well as the facing the left page.

(v). Only for that vote did the order of the holes which needed to be punched to vote for a particular candidate fail to correspond with position occupied by that candidate's name on that page.

(vi). The hole which needed to be punched in order to vote for Al Gore and Joe Lieberman was the third hole down from the top of the page despite the fact that the names of Al Gore and Joe Lieberman occupied the second position down from the top of the page.

(vii) There was only one choice among the ten possible selections for President and Vice President which was consistent with the arrangement on every other page of the ballot. This choice was the selection of George W. Bush for President and Dick Cheney for Vice President. Their names occupied the first position on the page, and the hole which needed to be punched in order to vote for them was likewise the first hole on the page.

(viii). Another significant misleading ambiguity of the presidential ballot were the arrows and numbers printed on the ballot which pointed to the holes which needed to be punched in order to vote for one of the listed candidates. These numbers and arrows were printed directly alongside of the ballot "spine" where the holes which needed to be punched were located. The numbers continued consecutively throughout the ballot pages and served some administrative purpose.

(ix). These numbers and arrows were located within rectangle boxes which contained the names of the various candidates. Within these rectangles, the numbers and arrows are printed as faraway as possible away from the names of the candidates. There is a considerable area of blank space, in relation to the overall size of each rectangle, between the numbers/arrows and the names of the candidates. For this reason, it is not clear whether these numbers and arrows are intended only for administrative purposes of the election board. Or, whether they are also intended to instruct the voter as follows: to select a particular candidate the voter should punch the particular hole which is pointed to by the arrow, which is identified by a number, which is located within the rectangle in which that candidates names appear.

As confusing and ridiculous as this sounds, this is the precise instruction offered by the Supervisor of Election to voters. The

Supervisor of Elections was aware of this precise ambiguity as she herself in a issued a notice to all poll workers which read as follows:

ATTENTION ALL POLL WORKERS

Please remind all voters coming in and that they are to vote for only for one (1) presidential candidate and they are to punch the hole next to the arrow next to the number next to the candidate in which to vote for. Thank you! (This notice is attached hereto as exhibit C)

(x). The numbering on the ballot was also deceptive. The numbers on the pages containing the presidential election do not begin with the number one. They begin with the number "three" on the top of the left page and increase in criss-cross fashion down the facing pages. The lowest number ("3") appears within the rectangle for George W. Bush and Dick Cheney at the top of the left page. Immediately below that rectangle is the rectangle containing the names of Al Gore and Joe Lieberman. Since that rectangle is the very next to rectangle in that column and is directly below the rectangle which is clearly associated with the hole identified as number "3", it would not be unusual or unreasonable to expect that the punch hole associated with such rectangle would be punch hole number "4".

However, while the punch hole designated number "4" on the ballot is in fact immediately below the whole designated number "3", that was not the hole which needed to be punched in order to vote for Al Gore and Joe Lieberman. The punch hole to accomplish that vote was designated number "5" and was, in fact, below the punch hole designated "4".

(xi) Adding further confusion is the fact that punch hole number "4", which reasonably could have been understood to be the hole necessary to punch in order to vote for Al Gore and Joe Lieberman, is also located directly to the right, and the partially aligned with the rectangle containing the names of Al Gore and Joe Lieberman.

Additionally, the hole designated number "4" (which was intended as the hole to punch in order to vote for Pat Buchanan) is also the hole which is most closely aligned with the word "DEMOCRATIC" within the rectangle of Al Gore and Joe Lieberman.

(xii). Therefore, this ballot contained numerous ambiguities, was deceptive, was unfairly prejudiced in favor of the Republican ticket, and directly led to the miscasting of several thousand votes which were intended for Al Gore and Joe Lieberman.

Due directly to the confusion and ambiguity of the ballot thousands of votes of Palm Beach County electors intended for Al Gore and Joe Lieberman were cast for the Reform party candidates, Buchanan and Foster. The court is requested to take judicial notice of the fact that the number of votes cast for the reform party in Palm Beach County were statistically beyond the realm of any reasonable probability. Numerous scientific studies and evaluations, which have taken into account the number of votes received by Pat Buchanan in past elections in both Palm Beach County and the State of Florida, as well as the number of votes received by Buchanan in this election both in Palm Beach County and the State of Florida, have demonstrated with an extremely high and convincing probability that thousands of the votes received by Buchanan in Palm Beach County in the election of November 7, 2000, were not intended to be cast by those voters for Buchanan. The court is also requested to take judicial notice of the fact that a large percentage of the votes cast for Buchanan in the election of November 7, 2000, have been identified as coming from voting precincts in which the population is predominantly Jewish or African American. These ethnic groups are widely known to be hostile to the political and social philosophy of Pat Buchanan. It is statistically overwhelmingly unlikely that Pat Buchanan would have received more than 1,000 votes in Palm Beach County in this election.

24. Further acts of misconduct by the Supervisor of Elections pursuant to section 102.168, Florida Statutes, are the fact that although the Supervisor of Elections had actual knowledge of the confusion generated by the butterfly ballot as described above, she took either no action, or inadequate action, to eliminate this confusion in the most important election undertaken by Americans. Simple, legal and available remedies to eliminate the ambiguities and confusion which led thousands of Palm Beach County residents to vote for a presidential candidate who was not their intended choice, include, but are not limited to: handing to every voter as they

entered the polling place a notice clearly specifying the number of the hole which should be punched in order to vote for each presidential candidate. Such a notice need only have contained ten lines, beginning with "to vote for George W. Bush and Dick Cheney you must punch the hole which is identified with the number three", "to vote for Al Gore and Joe Lieberman you must punch the hole which is identified with the number five", etc. (In fact a similar notification is statutory mandated, see Florida Statute 101.151 (3) (a)) ; notices could have been posted in each and every voting booth or cubicle alerting the voters to the possible confusion the ballot might generate and providing simple information which would eliminate such confusion; newspaper and television bulletins could have been given to the residents of Palm Beach County, Florida, alerting the electorate to this issue so that they could have had ample opportunity to review and understand the potential confusion they would face in the voting booths and thereby eliminate such confusion from occurring.

The official sample ballot did not cure any ambiguities, but rather, increased them. The official sample ballot, by failing to reveal and discuss this issue, and by failing to alert voters to the fact that the presidential ballot pages would be the only ballot pages on which candidates appeared on both facing pages, allowed and encouraged voters to assume that the ballot would present the presidential candidates in the same manner as all of the other candidates and issues were presented.

25. Further misconduct by the Supervisor of Elections is the fact that the pages of the ballot listed the names of the presidential candidates in violation of Florida law.

26. Florida Statute 101.041 provides that "in all elections held on any subject which may be submitted to a vote ... the voting shall be by secret, official ballot printed and distributed as provided by this code". The language of this statute is mandatory.

27. Florida Statute 101.191, titled "Form of General Election Ballot" states, "the general election ballot shall be in substantially the following form". The statute then provides an actual form, a copy of which is attached here to as exhibit D. This form displays the names of all presidential and vice presidential candidates in a single column. The area designated for marking the selection of a presidential and vice presidential candidate is located only to the right of the names of the candidates and is positioned between the names of the presidential candidate and vice presidential candidate of the same party. There can be no possible confusion in the use of this form and that is undoubtedly why it was selected by the Florida state legislature as the form of the ballot to use in every general election.

28. Florida Statute 101.151 sets forth specifications for a general election ballot. It states "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) mark in the blank space at the right of the name of the candidate for whom you desire to vote". These provisions of this statute are mandatory.

29. The butterfly ballot approved by the Supervisor of Elections completely failed to adhere to the ballot form requirements established by the Florida legislature. The butterfly ballot frustrated and contravened the very purpose of the Florida statutes, which was to create a clear and simple election ballot easily understandable by all Florida citizens. An election ballot must be easy to understand



for all people, not just the clever, vigorous, and well schooled. Every American is guaranteed an equal right to participate in the electoral process. To criticize elderly people for not being as mentally alert as younger people and therefore to disparage such elderly persons for committing errors which were not of their making is nothing less than thoughtless and cruel. To criticize people who do not read as well as others and therefore ridicule them for errors which were not of their making is abhorrent to the American principles of equality and justice. The fault for the voting errors of a substantial number of Palm Beach County voters lies not with those voters who were merely attempting in good faith to exercise their civic duty. It lies with the election officials who failed in their duty to prepare a simple ballot consistent with the obligation imposed by Florida law that the ballot be clear and without ambiguity. It is a simple burden to meet, as the Florida legislature has already provided a perfect form.

30. Palm Beach County utilizes an electronic or an electromechanical voting system. The requirements for the ballot used in Palm Beach County therefore must comply with the statutory obligation under Florida Statute 101.36, which states "the order in which the ballot is arranged shall as nearly as practicable conform to the requirements of the form of the paper ballot". This language is mandatory.

31. The butterfly ballot at issue in this proceeding miserably failed to comply with this statute. It resulted in thousands of votes, such as those cast by the plaintiffs, which had been intended to be cast for Al Gore and Joe Lieberman, being unintentionally cast for Pat Buchanan. History should not record that the election of the next President and Vice President of United States of America determined by the misconduct of a local government official.

32. Further misconduct of the Supervisor of Elections is the fact that she failed to take reasonable and necessary action to prevent thousands of votes cast by electors of Palm Beach County from being not counted and discarded due to the fact that the voters had mistakenly made two selections on the ballot for the office of President and Vice President of the United States of America.

33. The Supervisor of Elections knew from past elections that thousands of votes had been discarded due to this very same circumstance of voters electing more than one person for the same office.

34. Florida law provides that a voter is entitled to as many as three ballots in order to correct mistakes made by the voter. Florida statute 101.011 (5).

35. The Supervisor of Elections wrongfully failed to inform thousands of voters whose interests were at stake that voting for two people for the same office would result in the cancellation of their vote, which would thereafter not be counted in that election. She wrongfully failed to inform thousands of voters that they were entitled to a new ballot with which to make their voting selections if they had incorrectly selected two candidates for the same office on their first or second ballot.

36. This misconduct resulted in the loss of thousands of such votes which were intended to be cast for Al Gore and Joe Lieberman, and which would have been so cast if the electors had been properly informed of their right to a second or third ballot card.

37. These thousands of votes would have resulted in the conclusive victory in the state of Florida by Al Gore and Joe Lieberman, who would then have become the next President and Vice President of the United States of America.

Wherefore, on behalf of themselves, on behalf of thousands of other similarly situated Palm Beach County electors, and with solemn regard for the nearly 50,000,000 votes cast by American citizens and the election of November 7, 2000, for Al Gore and Joe Lieberman to be the next President and Vice President of the United States of America, whose votes are dependent upon the election results of Palm Beach County, the Plaintiffs pray and demand that this Honorable Court, pursuant to the power and authority conferred by Florida statute 102.168, set aside the Palm Beach County election results of November 7, 2000, pertaining to the election for President and Vice President of the United States of America, and order that a new election be conducted forthwith without delay; or, order the Palm Beach County Voter Canvassing Board to accept as being votes cast for Al Gore and Joe Lieberman any ballots returned in which it can be demonstrated that the voter made any effort to punch out the "chad" of the ballot card corresponding with a vote for Al Gore and Joe Lieberman, regardless of whether such Chad was completely removed from the card; and order that the Palm Beach County Voter Canvassing Board accept as votes cast for Al Gore and Joe Lieberman that number of votes which were cast for Pat Buchanan which compelling scientific evidence demonstrates were intended to a been cast for Al Gore and Joe Lieberman; or order any further relief deemed appropriate by the Court under these grave and historic circumstances.

### COUNT TWO

38. The Plaintiffs bring this action against the defendants for declaratory relief and for temporary and permanent injunctive relief.

39. The plaintiffs re-allege paragraphs 1-37 above.

40. The plaintiffs are in need of a declaration from this court establishing


their rights as electors of Palm Beach County, Florida, to the relief requested in count one, above, pursuant to Florida statute 102.168.

41. The plaintiffs seek a temporary injunction to prevent the Canvassing Board of Palm Beach County from certifying any election results to the state of Florida Elections Canvassing Commission until such time as this court has had an opportunity to review these matters fully. Such an injunction is necessary on an emergency basis, without notice to the adverse parties, in that the current state of affairs at all levels of government is uncertain and in flux as it pertains to the results of this election. At any time an action may be taken by an agency subject to this court's jurisdiction which would have as its purpose establishing with finality the winner of the Palm Beach County November 7, 2000, presidential election.

42. The Plaintiffs seek a temporary injunction against the Florida Secretary of State, Katherine Harris, preventing her from taking any action which may interfere with the ability of this court to reach a resolution of the issues here presented. This injunction is necessary on an emergency basis as the Florida Secretary of State has announced as recently as November 13, 2000, that a deadline of 5:00 PM, November 14, 2000, was established for reporting official county election results to the state of Florida.

43. If this relief is not granted the plaintiffs will suffer irreparable injury for which there is no adequate remedy of law.

Wherefore, the plaintiffs respectfully request that the court enter such orders as deemed appropriate in these circumstances.

  
ROBERT PASIN

ROBERT PASIN  
3300 University Drive, Suite 601  
Coral Springs, Florida 33065  
954-345-0662  
FBN 341312